

Queensland

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

Authorised by the Parliamentary Counsel

(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 in charge 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 in charge for the authority; or

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(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.

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(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.

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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, or automatically issued, under chapter 5.

Example—

A reference to a standard licence is a reference to a standard licence granted, or automatically issued, 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, or automatic issue, 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).

9A Rounding of amounts expressed as numbers of fee units

(1) This section applies for working out the amount of a fee or other matter expressed in this regulation as a number of fee units.

(2) For the purpose of the *Acts Interpretation Act 1954*, section 48C(3), the amount is to be rounded—

(a) if the result is not more than $2.50—to the nearest cent (rounding one-half upwards); or

(b) if the result is more than $2.50 but not more than $100—to the nearest multiple of 5 cents (rounding one-half upwards); or

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(c) if the result is more than $100 but not more than $500—to the nearest multiple of 10 cents (rounding one-half upwards); or

(d) if the result is more than $500—to the nearest dollar (rounding one-half upwards).

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.

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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.

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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.

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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.

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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.

Part 4 Categorisation of animals

21 Categories of animals

(1) An ***exempt animal*** is a protected animal stated in schedule 3, part 1.

(2) A ***class 1 animal*** is a protected or international animal stated in schedule 3, part 2.

(3) A ***class 2 animal*** is a protected or international animal stated in schedule 3, part 3.

(4) A ***dangerous animal*** is a class 2 animal stated to be a dangerous animal in schedule 3, part 3.

(5) A ***farm animal*** is a protected animal stated in schedule 3, part 4.

Part 5 Conservation values for protected animals

22 Conservation value for classes of protected animals—Act, s 95

(1) For section 95(1) of the Act, an amount mentioned in schedule 2, part 1, column 2 is prescribed as the conservation

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value for a protected animal in the class mentioned in schedule 2, part 1, column 1 opposite the value.

(2) However, if a provision of a conservation plan prescribing a conservation value for a protected animal is inconsistent with an amount prescribed by subsection (1), the provision of the conservation plan prevails to the extent of the inconsistency.

Notes—

1 See the *Nature Conservation (Estuarine Crocodile) Conservation Plan 2018*, section 31 in relation to the conservation value payable for a problem crocodile.

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

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(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, accept or receive 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.

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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, accept or receive 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

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(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 biological sample, if it is necessary or desirable to do so;

(b) use, other than move, process or use for a commercial purpose, a part of the animal, including, for example, a biological 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

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(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) the following land if the trustee for the land is a local government—

(i) land contained in a reserve under the *Land Act 1994* for a purpose mentioned in section 31(1)(a) to (c) of that Act;

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(ii) land dedicated as a reserve under the *Land Act 1994*, section 31(1)(d);

(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

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(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) Marine Rescue Queensland under the *Marine Rescue Queensland Act 2024*;

(b) Queensland Fire and Rescue;

(c) Rural Fire Service Queensland;

(d) the Queensland Ambulance Service;

(e) the Queensland Police Service;

(f) the State Emergency Service.

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30A Persons dealing with dead protected animals at request of authorised person

A person requested by an authorised person to deal with a dead protected animal may—

(a) move the animal to a place identified by the authorised person; or

(b) otherwise deal with the animal in the way directed by the authorised person.

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;

(c) use the animal, other than—

(i) process the animal; or

(ii) use the animal for a commercial purpose; or

(iii) use the animal in a way that is inconsistent with a military standing order prepared for the unit of the Australian Defence Force.

(2) In this section—

military standing order means a standing order that—

(a) is a general order under the *Defence Force Discipline Act 1982* (Cwlth); and

(b) includes provisions relating to training members of a unit of the Australian Defence Force about survival in the wild.

Note—

A copy of a military standing order to which this section applies may be inspected at the department's head office.

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Part 3 Aboriginal tradition and Ailan Kastom

32 Marine turtle or dugong taken under Aboriginal tradition or Ailan Kastom

(1) A person may take an animal that is a protected marine turtle or dugong if—

(a) the person holds a permit or other authority granted under the *Marine Parks Act 2004* or the *Great Barrier Reef Marine Park Act 1975* (Cwlth) that permits the person to take the animal for Aboriginal tradition or Ailan Kastom; or

(b) the person takes the animal under a traditional use of marine resources agreement allowing the person to take 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

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(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 peoples or Torres Strait Islander peoples—

(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 descent or Torres Strait Islander descent who is recognised in the Aboriginal community 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.

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Part 4 Education and research

Notes—

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

2 See also chapter 4, part 15 and chapter 5, part 2 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, or a biological sample taken from a live protected animal, if the animal—

(a) was taken, or is kept, under the Act, the *Exhibited Animals Act 2015* 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 or sample from a person authorised to sell or give away the animal or sample under the Act;

(b) keep the animal or sample;

(c) otherwise use, other than process, the animal or sample.

(3) In this section—

qualified person, in relation to a dead protected animal, or a biological sample taken from a live protected animal, means a person to whom—

(a) an educational purposes permit for the animal could be granted under chapter 4, part 12 and chapter 5, part 2; or

(b) a research permit for the animal could be granted under chapter 4, part 15 and chapter 5, part 2.

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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.

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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.

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.

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(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.

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(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*.

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 to the aviation infrastructure of an airport;

(ii) the presence of the animal at an airport is, or may be, a threat to the safety of aircraft, or persons on or around aircraft, operating at an airport; 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

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- 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.

(4) In this section—

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

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.

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(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—

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(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

(b) within 10 business days after the month ends.

Maximum penalty—120 penalty units.

Division 2 Other commercial interactions

48 Commercial interactions for marine parks generally

Subject to division 1, a person may engage in a commercial interaction with a live protected animal in the wild if the person's interaction with the animal is permitted under—

(a) the *Marine Parks Act 2004*; or

(b) the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

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Part 8 Movement of animals

Note—

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

49 Moving dead protected animals into State

(1) This section applies to a dead protected animal, other than a crocodile or emu, lawfully taken, kept and used in another State.

(2) A person in the State may move the skin, carcass or meat of the animal into the State if—

(a) the person buys the skin, carcass or meat by wholesale from a person in the other State; and

(b) the way in which the skin, carcass or meat is packed complies with the requirements of any applicable law of the other State; 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

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(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 authorised buyers

(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 an authorised buyer for the animal.

(2) The person may move the animal from the place where the person keeps the animal to the place where the authorised buyer intends to keep the animal.

(3) This section does not apply in relation to an exempt animal.

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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.

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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 to treat or care for the animal—

(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) the veterinary premises of a veterinary surgeon in the State for treatment or care for the animal; or

(iv) if a conservation officer directs, under section 57, the person to move the animal to another place—the other place.

(3) Subsection (2) does not apply to—

(a) the holder of a rehabilitation permit for the animal, or a relevant person for the holder; or

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(b) a person who—

(i) advertises that the person provides animal rescue or rehabilitation services to members of the public but does not hold a rehabilitation permit; or

(ii) is employed by, or volunteers for, an entity that advertises it provides animal rescue or rehabilitation services to members of the public but does not hold a rehabilitation permit.

Example of advertising animal rescue or rehabilitation services—

publishing a phone number or email address, on a website or social media platform, for the purpose of allowing members of the public to report sick, injured or orphaned protected animals

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) give the animal to a veterinary surgeon; or

(c) notify a conservation officer that the person has taken possession of the animal.

Maximum penalty—20 penalty units.

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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 veterinary 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.

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58A Veterinary surgeons giving away biological samples

(1) This section applies if a veterinary surgeon treats or cares for a live protected animal at the veterinary premises of the veterinary surgeon.

(2) The veterinary surgeon may give away a biological sample taken from the animal if—

(a) the sample was taken from the animal while the animal was being treated or cared for; and

(b) the person to whom the sample is given intends to keep and use the sample under section 34.

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) The 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.

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Division 3 Dead animals

59A Dealing with dead exhibited animals

(1) This section applies if—

(a) a person lawfully keeps a protected animal under an exhibited animal authority; and

(b) the animal dies.

(2) The person may carry out any of the following activities—

(a) keep the dead animal;

Note—

See also section 320 in relation to dealing with a dead sampled or implanted animal.

(b) sell or give away the dead animal to a person who is authorised to buy, accept or receive the animal under the Act or a law of another State.

60 Moving 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 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.

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Note—

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

60AA Veterinary surgeons performing or supervising autopsies

(1) This section applies in relation to a dead protected, international or prohibited animal.

(2) A veterinary surgeon, or a person being supervised by a veterinary surgeon, may use the animal to perform an autopsy, regardless of whether the animal died before or after the surgeon received it.

60A Veterinary surgeons giving away dead animals

(1) This section applies if a veterinary surgeon—

(a) treats or cares for a protected animal that dies at the veterinary premises of the veterinary surgeon; or

(b) performs an autopsy on a dead protected animal.

(2) The veterinary surgeon, with the consent of the owner or custodian of the animal, may give away the animal to a person who intends to keep and use the animal under section 34.

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—

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(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—

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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 a departmental code of practice 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

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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 Dealing with particular fish for non-commercial purposes

(1) This section applies in relation to a fish of a relevant species that has, at all times, been lawfully obtained and kept, other than under an animal authority.

(2) A person may carry out any of the following activities in relation to the fish for a purpose other than a commercial purpose—

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(a) keep the fish;

(b) buy, accept or receive the fish;

(c) sell or give away the fish;

(d) if the fish is sold or given away—move the fish from the place where the fish was kept before the fish was sold or given away to the place where the person who bought, accepted or received the fish intends to keep it.

(3) In this section—

relevant species means each of the following species of fish—

(a) Daintree rainbowfish (*Cairnsichthys bitaeniatus*);

(b) Elizabeth Springs goby (*Chlamydogobius micropterus*);

(c) Flinders Ranges mogurnda (*Mogurnda clivicola*);

(d) Oxleyan pygmy perch (*Nannoperca oxleyana*).

66A Dealing with particular fish regulated under Fisheries Act 1994

(1) A person may carry out any of the following activities in relation to a fish of a regulated species to the extent the person is authorised under the *Fisheries Act 1994* to carry out the activity—

(a) take the fish;

(b) keep the fish;

(c) use the fish;

(d) release the fish into the wild.

(2) In this section—

regulated species means each of the following species of fish—

(a) Australian lungfish (*Neoceratodus forsteri*);

(b) largetooth sawfish (*Pristis pristis*);

(c) Mary River cod (*Maccullochella mariensis*);

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(d) redfish (*Centroberyx affinis*);

(e) scalloped hammerhead (*Sphyrna lewini*);

(f) silver perch (*Bidyanus bidyanus*).

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, or automatically issued, animal authorities; and

(b) imposes restrictions on the grant, or automatic issue, of animal authorities; and

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(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.

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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.

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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.

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(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

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(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.

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(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.

77A Moving dead animals to and from veterinary surgeon for autopsy

(1) This section applies if an authorised animal kept under an animal authority dies.

(2) The holder of the animal authority, or relevant person for the holder, 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 performing an autopsy on the animal; or

(b) from the veterinary premises of a veterinary surgeon who performed or supervised an autopsy on the animal to the place of keeping.

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.

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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 in authority management system

(1) This section applies if the holder of an animal authority changes, or proposes to change—

(a) the postal, residential or business address of the holder; or

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(b) if the animal authority was automatically issued—the licensed premises for the authority to another premises in the State.

(2) However, this section does not apply if the holder is a child.

(3) Before or immediately after the change happens, the holder must notify the chief executive of the change by updating the holder's information in the authority management system to reflect the change.

80A Notification of particular changes by application for amendment

(1) This section applies if the holder of an animal authority changes, or proposes to change—

(a) the postal, residential or business address of the holder; or

(b) the licensed premises for the authority; or

(c) the place where an authorised animal is kept under the authority; or

(d) the name of the holder; or

(e) if the holder is a corporation—the person in charge for the authority.

(2) However, this section does not apply if, under section 80, the holder has updated the holder's information in the authority management system to reflect the change.

(3) Before or immediately after the change happens, the holder must notify the chief executive of the change by applying for an amendment of the animal authority to reflect the change.

Note—

For amending an animal authority by application, see chapter 5, part 6, division 2.

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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 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—

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(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 egg, for artificial incubation or foster parent incubation of the egg; or

(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) In this section—

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.

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.

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(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—

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(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 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 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

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(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) the holder of a dead animal collection authority for the dead animal; or

(iii) 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—

(i) the licensed premises for the dealer licence or the dead animal collection authority; or

(ii) the State museum.

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Part 3 Standard licences

Division 1 Authorisation for automatic dealing with licence

88A Standard licence prescribed for automatic issue, amendment and renewal—Act, s 143B

(1) For section 143B(1)(a) of the Act, a standard licence is prescribed as a type of relevant authority that may be automatically issued to a person by the operation of the authority management system.

Note—

See also chapter 5, part 1.

(2) For section 143B(1)(b) of the Act, a standard licence is prescribed as a type of relevant authority that may be automatically amended or renewed by the operation of the authority management system.

Note—

See also chapter 5, part 5, division 2 and chapter 5, part 6, division 2, subdivision 2.

Division 1A Grant or automatic issue and restrictions on grant or automatic issue

89 Grant or automatic issue of licence

(1) A standard licence may be granted by the chief executive, or automatically issued, for a captive, live class 1 animal.

(2) This section is subject to section 90 and chapter 5, parts 1 and 2.

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90 Restrictions on grant or automatic issue of licence

A standard licence must not be granted by the chief executive, or automatically issued, to a person if—

(a) the licence would, if granted or issued, authorise the person to keep or use more than 10 animals under the licence; or

(b) the person 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.

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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

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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.

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(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).

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(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 Authorisation for automatic dealing with licence

99A Specialised licence prescribed for automatic issue, amendment and renewal—Act, s 143B

(1) For section 143B(1)(a) of the Act, a specialised licence is prescribed as a type of relevant authority that may be automatically issued to a person by the operation of the authority management system.

Note—

See also chapter 5, part 1.

(2) For section 143B(1)(b) of the Act, a specialised licence is prescribed as a type of relevant authority that may be automatically amended or renewed by the operation of the authority management system.

Note—

See also chapter 5, part 5, division 2 and chapter 5, part 6, division 2, subdivision 2.

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Division 1A Grant or automatic issue and restrictions on grant or automatic issue

100 Grant or automatic issue of licence

(1) A specialised licence may be granted by the chief executive, or automatically issued, for—

(a) a captive, live class 1 animal; or

(b) a captive, live class 2 animal.

(2) This section is subject to sections 101 to 101B and chapter 5, parts 1 and 2.

101 Restrictions on grant or automatic issue of licence

A specialised licence must not be granted by the chief executive, or automatically issued, to a person if—

(a) the licence would, if granted or issued, authorise the person to keep or use more than a total of 50 live birds, reptiles or amphibians under the licence; or

(b) the person holds another specialised licence, a standard licence or an advanced licence.

101A Additional restrictions on grant by chief executive

The chief executive must not grant a specialised licence to a person for a dangerous animal unless—

(a) the person is an adult; and

(b) the chief executive is satisfied the person has the knowledge, experience and facilities necessary to keep the animal in the way required under a departmental code of practice for the animal.

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101B Additional restrictions on automatic issue

A specialised licence must not be automatically issued to a person if the licence is for a dangerous animal.

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—

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(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.

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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

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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.

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(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.

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(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 Authorisation for automatic dealing with licence

112A Advanced licence prescribed for automatic issue, amendment and renewal—Act, s 143B

(1) For section 143B(1)(a) of the Act, an advanced licence is prescribed as a type of relevant authority that may be automatically issued to a person by the operation of the authority management system.

Note—

See also chapter 5, part 1.

(2) For section 143B(1)(b) of the Act, an advanced licence is prescribed as a type of relevant authority that may be automatically amended or renewed by the operation of the authority management system.

Note—

See also chapter 5, part 5, division 2 and chapter 5, part 6, division 2, subdivision 2.

Division 1A Grant or automatic issue and restrictions on grant or automatic issue

113 Grant or automatic issue of licence

(1) An advanced licence may be granted by the chief executive, or automatically issued, for—

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(a) a captive, live class 1 animal; or

(b) a captive, live class 2 animal.

(2) This section is subject to sections 114 to 114B and chapter 5, parts 1 and 2.

114 Restrictions on grant or automatic issue of licence

An advanced licence must not be granted by the chief executive, or automatically issued, 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.

114A Additional restrictions on grant by chief executive

The chief executive must not grant an advanced licence to a person for a dangerous animal unless—

(a) the person is an adult; and

(b) the chief executive is satisfied the person has the knowledge, experience and facilities necessary to keep the animal in the way required under a departmental code of practice for the animal.

114B Additional restrictions on automatic issue

An advanced licence must not be automatically issued to a person if the licence is for a dangerous animal.

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.

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(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

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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.

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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.

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(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.

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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.

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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—

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(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);

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(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

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(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.

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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, including taking a harvest macropod in a harvest period.

(2) In this section—

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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.

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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.

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(2) The chief executive must not grant a dealer licence for a live farm animal unless the chief executive believes the animal is kept under a farming licence before the proposed holder of the dealer licence buys, accepts or receives the animal.

(3) 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.

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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.

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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.

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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.

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(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.

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(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 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).

(3) 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.

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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—

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(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.

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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

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(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.

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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.

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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

(1) This section applies in relation to a damage mitigation permit for a purpose mentioned in section 162(1)(a) for an animal.

(1A) However, this section does not apply in relation to a damage mitigation permit for a purpose mentioned in section 162(1)(a) for a flying-fox.

(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

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- 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.

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

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

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(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; and

(h) the landholder holds, or has held—

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

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

(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.

(5) This section expires on 30 June 2026.

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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—

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(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.

(3) This section expires on 30 June 2026.

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.

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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 animals to be taken

(1) The holder of a damage mitigation permit, or a relevant person for the holder, may take an authorised animal only—

(a) in a way that causes minimal damage and disturbance to other wildlife and the environment; and

(b) by using—

(i) if a method for taking the animal is stated in the permit—the stated method; or

(ii) otherwise—another method that is humane.

(2) However, if the authorised animal is a flying-fox, the holder or relevant person must not shoot the flying-fox.

(3) This section does not apply in relation to a damage mitigation permit for a purpose mentioned in section 162(1)(a) for a flying-fox.

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

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171A Way flying-foxes to be taken

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

(2) This section expires on 30 June 2026.

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—

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(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

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(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.

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;

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(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.

178A Way flying-fox roost action to be taken

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

(a) causes minimal damage and disturbance to other wildlife and the environment; and

(b) is humane.

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.

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(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

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(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.

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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.

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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 keep a protected animal that was lawfully obtained and kept at a time when it was not a protected animal;

(d) 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;

(e) 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.

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—

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(a) the chief executive is satisfied—

(i) the animal would not, or is unlikely to, survive in the wild; and

(ii) 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

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(b) the chief executive believes another animal authority, or an exhibited animal authority, would not be more appropriate for keeping the animal.

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.

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(d), unless—

(a) the animal is not 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

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(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(e), 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), (b) or (c)—keep an authorised animal at the licensed premises for the permit;

(b) if the permit is for a purpose mentioned in section 186(d) or (e)—keep an authorised animal at the

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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.

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(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.

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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.

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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—

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(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.

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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.

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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.

205A Giving away biological samples

The holder of a rehabilitation permit, or a relevant person for the holder, may give away a biological sample taken from a live authorised animal kept under the permit if—

(a) the sample was taken from the animal while the animal was being treated or cared for by the holder or relevant person; and

(b) the person to whom the sample is given intends to keep and use the sample under section 34.

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

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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.

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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—

(a) for a koala—the koala rehabilitation code; or

(b) for another animal—the document called ‘Code of practice—care of sick, injured or orphaned protected

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animals in Queensland', approved by the chief executive under section 174A of the Act.

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.

Note—

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

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.

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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—

(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

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(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

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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 Giving away animals and biological samples

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

(2) The holder of a research permit, or a relevant person for the holder, may give away a biological sample taken from a live authorised animal kept under the permit to a person who intends to keep and use the sample 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

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(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.

Division 3 Conditions

217A Purpose of division

(1) This division states conditions that apply to all research 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 research permit.

Note—

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

217B Return of operations

(1) The holder of a research 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.

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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.

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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—

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(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.

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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

(1) 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 a commercial art purpose; and

(b) the chief executive believes another animal authority would not be more appropriate for taking, keeping or using the animal.

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

Examples for paragraph (b)—

creating an articulated skeleton or a taxidermy mount

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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.

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(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—

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(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) buy, accept or receive an authorised animal from a person authorised to sell or give away the animal under the Act;

(b) keep an authorised animal at the licensed premises for the authority;

(c) otherwise 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.

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(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 Automatic issue of prescribed animal authorities

234 Application and purpose of part

(1) This part applies in relation to an animal authority (a ***prescribed authority***) that is prescribed, for section 143B(1)(a) of the Act, as a type of relevant authority that may be automatically issued to a person by the operation of the authority management system.

Note—

See also sections 88A(1), 99A(1) and 112A(1).

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(2) For section 143B(1)(c) of the Act, this part prescribes the way in which a prescribed authority may be automatically issued to a person by the operation of the authority management system.

235 Making applications

(1) A person may apply for a prescribed authority to be issued to the person by the operation of the authority management system.

(2) The application must—

(a) be made using the authority management system; and

(b) state the applicant particulars; and

(c) be accompanied by the prescribed fee for the application.

(3) The application may be accompanied by a request for a record book under section 343.

236 Automatic issue of authorities

(1) A prescribed authority is to be issued automatically by the operation of the authority management system only if—

(a) the applicant for the authority states the matters in section 237; and

(b) the proposed premises is in the State; and

(c) the applicant makes all the required declarations; and

(d) under chapter 4, the authority can be automatically issued to the applicant.

(2) A prescribed authority is issued subject to the conditions applying in relation to the authority under chapter 4.

237 Matters stated for issue of authorities

(1) For section 236(1)(a), the matters are—

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(a) if the applicant is a corporation—the applicant has an office in the State; and

(b) if the applicant is an individual—the applicant is an adult; and

(c) that neither the applicant, nor an associate of the applicant, 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 relating to wildlife, however described—

(A) under another Act; or

(B) under the law of another jurisdiction; and

(d) that neither the applicant, nor an associate of the applicant, has accumulated 10 or more demerit points under section 247D within 3 years before the relevant day; and

(e) that neither the applicant, nor an associate of the applicant, has been the holder of an animal authority, or a corresponding authority, that was suspended or cancelled within 3 years before the relevant day; and

(f) if the applicant holds, or has held, an animal authority (the ***other authority***) of the same type as the prescribed authority being applied for—neither the applicant, nor a relevant person for the applicant, has failed to comply with a condition of the other authority.

(2) Subsection (1)(c) does not include an offence for which an infringement notice has been given under the *State Penalties Enforcement Act 1999*.

238 Particular applications to be decided by chief executive

(1) This section applies if—

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(a) a person makes an application for a prescribed authority under section 235; and

(b) the authority cannot be issued to the person by the operation of the authority management system under section 236.

(2) As soon as practicable after the application is made, the person must be given a notice, whether by the operation of the authority management system or in another way, stating—

(a) the prescribed authority cannot be automatically issued to the person; and

(b) the application must be decided under part 2 by the chief executive.

(3) Part 2 applies in relation to the application as if it were made—

(a) under section 239 to the chief executive for the grant of the prescribed authority; and

(b) on the day the notice was given to the person under subsection (2).

(4) However, section 239(2) does not apply in relation to the application.

Part 2 Grant of animal authorities

Division 1 Making applications

239 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

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(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 Restrictions on grant

240 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 a standard licence, a specialised licence or an advanced licence—the proposed premises is not in the State; or

(c) the applicant is not a suitable person to hold the authority; or

Note—

See also part 2A.

(d) for an application made using the authority management system—the applicant does not make a required declaration; or

(e) for an applicant who is an individual—the applicant is under 13 years, unless another provision of this regulation provides otherwise; or

(f) an animal to which the authority would apply has been unlawfully taken, kept or used; or

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(g) a conservation plan prohibits the grant of the authority in the applicant's circumstances; or

Examples—

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

2 a dealer licence for dead macropods must not be granted in contravention of the *Nature Conservation (Macropod) Conservation Plan 2017*, section 15

(h) 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

(i) 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

(j) 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 premises that are not appropriate, or do not have appropriate facilities, for keeping animals—

1 premises that do not have facilities enabling a person to keep an animal in a way that complies with requirements about housing the animal under this regulation

2 premises that would not comply with other requirements, under this regulation, for carrying out activities under the type of animal authority applied for

(2) However, subsection (1)(a) does not apply in relation to a movement permit.

(3) If the applicant is a child, the chief executive must not grant the animal authority to the applicant unless—

(a) the child lives at the proposed premises; and

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(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) If more than 1 licensed premises are proposed for the animal authority, the chief executive must not grant the authority to the applicant unless the chief executive is satisfied it is necessary for the applicant 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 declared under the *Fisheries Declaration 2019*, chapter 2 with a name that includes—

(a) greater dugong protection area; or

(b) dugong protection area.

Note—

See also chapter 4 for other restrictions on grants for particular animal authorities.

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 division 2 or chapter 4;

(b) the impact the activities proposed to be carried out under the authority may have on the conservation of native wildlife;

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(c) 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;

(d) any contribution the applicant proposes to make to the conservation of nature;

(e) any relevant Australian or international code, instrument, protocol or standard or any relevant intergovernmental agreement;

(f) the precautionary principle;

(g) public health and safety;

(h) the public interest;

(i) any recovery plan for an animal to which the authority is proposed to apply;

(j) 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;

(k) 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;

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(l) any other matter stated in a conservation plan as a matter the chief executive must have regard to when considering an application for the type of animal authority being applied for.

(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—

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(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 may amend an application for an animal authority if—

(a) the chief executive has not finished considering whether to grant the authority; and

(b) the chief executive agrees to the amendment of the application.

Division 4 Deciding applications

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.

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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.

(4) A document mentioned in subsection (1) or (3) may be given to the applicant using the authority management system or in another way.

246 Continuing obligations relating to keeping and using animals

(1) This section applies if an animal authority to be granted will authorise—

(a) taking, buying or accepting a live protected animal in the State; and

(b) lawfully moving the animal to another State.

(2) The chief executive may impose an obligation on the holder of the animal 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.

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(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 animal authority.

247 Continuing obligations relating to particular interstate movements

(1) This section applies if—

(a) an animal authority to be granted is a movement permit that will authorise the movement of a live protected animal to another State; and

(b) the person to whom the animal will be 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 movement 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 movement permit.

Part 2A Suitability

247A Purpose of part

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

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247B 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 relating to wildlife, however described—

(A) under another Act; or

(B) under the law of another jurisdiction; 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 animal 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

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(ii) the nature of the offence, including, for example, whether the offence 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 jurisdiction—the classification of any wildlife to which the conviction relates under the law of the other jurisdiction.

247C Suitability based on other matters

(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.

(2) Without limiting subsection (1), the chief executive may be satisfied the person is unable to carry out activities under the animal authority in a competent and ethical way if—

(a) the person, or an associate of the person, has accumulated 10 or more demerit points under section 247D within 3 years before the relevant day; or

(b) the person, or an associate of the person, was the holder of an animal authority that was cancelled within 2 years before the relevant day because the person or associate accumulated 10 or more demerit points under section 247D; or

(c) the person, or an associate of the person, is or was the holder of a corresponding authority that was suspended or cancelled within 3 years before the relevant day.

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247D Accumulation of demerit points

(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) For sections 237(1)(d) and (e) and 247C(2)(a) and (b), 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) The person accumulates the demerit points for the offence on the day that subsection (1) applies to the person.

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(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.

Part 3 Form of authorities

248 Form

(1) An animal authority must be in writing.

(2) More than 1 animal authority may be granted, or automatically issued, using 1 document.

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 or automatically issued;

(b) if it does not take effect on the day it is granted or automatically issued—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;

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(f) if the authority is granted to a child—the name of the child's parents;

(g) each category or 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, or automatically issued, to a corporation—the name of the person in charge for the authority;

(m) any conditions imposed by the chief executive on the authority.

(2) Subsection (1)(g) does not apply to an animal authority 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

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(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.

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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, or automatically issued, 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;

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(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

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(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

Division 1 Preliminary

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.

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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***).

257A 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.

Division 2 Automatic renewals

257B Application and purpose of division

(1) This division applies in relation to a renewable licence (a ***prescribed renewable licence***) that is prescribed, for section 143B(1)(b) of the Act, as a type of relevant authority

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that may be automatically renewed by the operation of the authority management system.

Note—

See also sections 88A(2), 99A(2) and 112A(2).

(2) For section 143B(1)(c) of the Act, this division prescribes the way in which a prescribed renewable licence may be automatically renewed by the operation of the authority management system.

257C Applications for renewal

(1) The holder of a prescribed renewable licence may apply for the licence to be automatically renewed, by the operation of the authority management system, 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 made using the authority management system; and

(b) state the applicant particulars; and

(c) 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

(d) be accompanied by the prescribed fee for the application.

(3) 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 licence is automatically renewed—the day the applicant receives the renewed licence; or

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(c) if the licence cannot be automatically renewed—the day the notice mentioned in section 257F(2) is given to the holder.

Note—

See also section 260 if section 257F applies in relation to the application to renew the existing licence.

(4) This section does not prevent the existing licence from being suspended or cancelled under this regulation.

257D Automatic renewal of licences

(1) An existing licence that is a prescribed renewable licence is to be renewed automatically by the operation of the authority management system only if—

(a) the applicant for the renewal states the matters in section 257E; and

(b) the applicant for the renewal makes all the required declarations; and

(c) the licence could be automatically issued to the applicant under chapter 4, if the application were an application for the automatic issue of the licence.

(2) The renewed licence is subject to the conditions applying in relation to the licence under chapter 4.

(3) Despite section 257C(3)(b), the term of the renewed licence is taken to have started immediately after the day the existing licence would otherwise have ended.

257E Matters stated for renewal of licence

For section 257D(1)(a), the matters are—

(a) the type of renewable licence the applicant is applying for; and

(b) if the applicant is applying for a renewable licence of the same type as the existing licence—that the intended

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activities of the applicant are the same, or substantially the same, as the existing activities; and

(c) the matters the applicant would be required to state if the application were an application for the automatic issue of a renewable licence of the type mentioned in paragraph (a).

Note—

See section 237.

257F Particular applications to be decided by chief executive

(1) This section applies if—

(a) a person makes an application for the renewal of an existing licence under section 257C; and

(b) the licence cannot be renewed by the operation of the authority management system under section 257D.

(2) As soon as practicable after the application is made, the applicant must be given a notice, whether by the operation of the authority management system or in another way, stating—

(a) the licence cannot be automatically renewed; and

(b) the application must be decided under division 3 by the chief executive.

(3) Division 3 applies in relation to the application as if it were made—

(a) under section 258 to the chief executive for the renewal of the existing licence; and

(b) on the day the notice was given to the person under subsection (2).

(4) However, section 258(2) does not apply in relation to the application.

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Division 3 Other renewals

258 Applications 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—

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(i) the day the information notice mentioned in section 261(4) is given to the holder;

(ii) the day stated in the information notice mentioned in section 261(4).

(2) This section does not prevent the existing licence from being suspended or cancelled under this regulation.

260 Considering and deciding application

(1) Part 2, division 3 and part 2A 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 a renewable licence of that type can be granted to the applicant under chapter 4 and part 2.

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(5) Also, if the application was made using the authority management system, the chief executive may renew the existing licence only if the holder makes all the required declarations.

(6) 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 257A.

(7) 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 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.

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(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 1 or 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.

(6) A document mentioned in subsection (1) or (4) may be given to the applicant using the authority management system or in another way.

Part 6 Amendment, suspension or cancellation of authorities

Division 1A Preliminary

262 Definition for part

In this part—

licence type amendment means an amendment to change—

(a) a standard licence to a specialised licence or an advanced licence; or

(b) a specialised licence to an advanced licence.

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Division 1 Minor amendments

263 Minor amendments by chief executive

(1) This section applies if—

(a) the chief executive believes an animal authority should be amended; and

(b) the proposed amendment is a minor amendment.

(2) The chief executive may amend the animal authority by giving the holder of the authority notice of the amendment.

(3) The notice must state the reasons for the amendment.

(4) The amendment takes effect on the later of the following days—

(a) the day the notice is given to the holder;

(b) the day of effect stated in the notice.

(5) The effect of the amendment does not depend on the amendment being noted on the authority.

Note—

See, however, section 276.

(6) In this section—

minor amendment, of an animal authority, means an amendment that—

(a) removes a condition imposed by the chief executive on the authority, if the removal does not adversely affect the interests of the holder of the authority; or

(b) corrects an error; or

(c) makes another minor change that is not substantial and does not adversely affect the interests of the holder of the authority.

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Division 2 Amendments by application

Subdivision 1 Preliminary

264 Application of subdivision

This subdivision applies if—

(a) the holder of an animal authority believes an amendment should be made to the authority, including, for example, a licence type amendment; 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.

Subdivision 2 Automatic amendments

264A Definition for subdivision

In this subdivision—

relevant amendment means—

(a) a licence type amendment; or

(b) a change mentioned in section 80A(1)(e).

264B Application and purpose of subdivision

(1) This subdivision applies in relation to an animal authority (a ***prescribed authority***) that is prescribed, for section 143B(1)(b) of the Act, as a type of relevant authority

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that may be automatically amended by the operation of the authority management system.

Note—

See also sections 88A(2), 99A(2) and 112A(2).

(2) For section 143B(1)(c) of the Act, this subdivision prescribes the way in which a prescribed authority may be automatically amended by the operation of the authority management system.

264C Applications for amendment

(1) The holder of a prescribed authority may apply for a relevant amendment to be made to the authority by the operation of the authority management system.

(2) The application must—

(a) be made using the authority management system; and

(b) state the applicant particulars; and

(c) be accompanied by the prescribed fee for the application.

264D Automatic amendment of authorities

(1) A relevant amendment is to be automatically made to the prescribed authority by the operation of the authority management system only if the holder—

(a) makes all the required declarations; and

(b) states the matters in section 264E.

(2) If the amendment made is a licence type amendment, the amendment does not affect the term of the authority.

(3) The effect of the amendment does not depend on the amendment being noted on the animal authority.

Note—

See, however, section 276.

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264E Matters stated for amendment of authority

For section 264D(1)(b), the matters are—

(a) the relevant amendment the applicant is applying for; and

(b) if the applicant is an individual—the applicant is an adult.

264F Particular applications to be decided by chief executive

(1) This section applies if—

(a) the holder of a prescribed authority makes an application to amend the authority under section 264C; and

(b) the authority cannot be amended by the operation of the authority management system under section 264D.

Example—

The amendment applied for is not a relevant amendment.

(2) As soon as practicable after the application is made, the holder must be given a notice, whether by the operation of the authority management system or in another way, stating—

(a) the prescribed authority cannot be automatically amended; and

(b) the application must be decided by the chief executive under subdivision 3.

(3) Subdivision 3 applies in relation to the application as if it were made—

(a) under section 265 to the chief executive for the amendment of the prescribed authority; and

(b) on the day the notice was given to the person under subsection (2).

(4) However, section 265(2) does not apply in relation to the application.

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Subdivision 3 Other amendments

265 Applications for amendment

(1) The holder may apply to the chief executive for the amendment of the authority.

(2) The application must be—

(a) in the approved form; and

(b) accompanied by the prescribed fee for the application.

266 Chief executive may require further information or document

(1) Before deciding an application for the amendment of an animal authority to which this subdivision 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

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(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 subdivision, 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 subdivision 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 animal authority, as amended, can be granted to the holder under chapter 4 and part 2.

(4) Also, if the application was made using the authority management system, the chief executive may make the amendment only if the holder makes all the required declarations.

(5) The chief executive must decide the application—

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(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 subdivision, 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.

(2) The amendment takes effect on the later of the following days—

(a) the day when the notice or information notice is given to the holder;

(b) the day of effect stated in the notice or information notice.

(3) If the amendment is a licence type amendment, the amendment does not change the term of the authority unless a new term is stated in the notice or information notice.

(4) The effect of the amendment does not depend on the amendment being noted on the authority.

Note—

See, however, section 276.

(5) If the chief executive decides to refuse the application, the chief executive must as soon as practicable after making the decision give the holder an information notice for the decision.

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(6) A document mentioned in subsection (1) or (5) may be given to the holder using the authority management system or in another way.

Division 3 Non-immediate amendments by chief executive

270 Grounds for amendment

(1) The chief executive may, by complying with section 271, amend an animal authority if—

(a) the chief executive believes—

(i) the authority was obtained because of false or misleading information; or

Note—

See also section 275A in relation to the immediate cancellation of automatically issued animal authorities.

(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 2A.

(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

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(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—

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(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.

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(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.

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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;

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(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.

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

Note—

See also section 275A in relation to the immediate cancellation of automatically issued animal authorities.

(ii) the holder of the authority has failed to comply with a condition of the authority; or

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(iii) the holder of the authority is not, or is no longer, a suitable person to hold the authority; or

Note—

See also part 2A.

(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; or

(g) for an automatically issued animal authority, the chief executive believes, having regard to the matters mentioned in section 241(1)(b) to (i), the authority should be suspended or cancelled.

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;

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(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

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offence and the conviction is quashed, the suspension period ends on the day the conviction is quashed.

Division 5A Immediate cancellation of particular animal authorities

275A Cancellation of automatically issued, renewed or amended authorities on particular grounds

(1) This section applies if the chief executive believes an animal authority was automatically issued, automatically renewed or automatically amended because—

(a) the holder of the authority provided false or misleading information; or

(b) the authority management system malfunctioned.

(2) The chief executive may decide to cancel the animal authority.

(3) If the chief executive decides to cancel the animal authority, the chief executive must give the holder of the authority an information notice for the decision.

(4) The 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.

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.

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(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.

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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 made using the authority management system or otherwise 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.

(7) A document mentioned in subsection (5) or (6) may be given to the holder using the authority management system or in another way.

280 Surrender

(1) The holder of an animal authority may surrender the authority by giving a notice of surrender to the chief executive.

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(2) The notice of surrender must—

(a) be given using the authority management system; or

(b) otherwise be in writing.

(3) 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

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(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).

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(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.

282A Meaning of *aircraft*—Act, schedule

For the Act, schedule, definition *aircraft*, a wing in ground effect craft is prescribed not to be an aircraft for this chapter and schedule 4.

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).

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(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 drone—300m; or

(b) for a helicopter—500m; or

(c) for a drone—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.

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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—

(i) the interest of Aboriginal peoples and Torres Strait Islander peoples in marine mammals; or

(ii) the involvement of Aboriginal peoples and Torres Strait Islander peoples in the conservation of marine mammals.

Division 2 Marine mammal special management areas

286 Permanent marine mammal special management areas

An area described in schedule 4, part 1, column 1 is declared to be a marine mammal special management area.

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287 Temporary marine mammal special management areas

(1) This section applies if the chief executive is satisfied—

(a) an area (the ***relevant area***) is, or is likely to be—

(i) critical habitat for a marine mammal; or

(ii) a migratory route or corridor for a marine mammal; or

(iii) a mating or calving ground for a marine mammal; or

(iv) a feeding ground for a marine mammal; or

(v) regularly frequented by a marine mammal; or

(vi) the subject of an activity for which a marine mammal is, or is to be, used under Aboriginal tradition or Ailan Kastom; or

(vii) the subject of relevant scientific research; and

(b) the relevant area is likely to be the kind of area mentioned in paragraph (a) only for a temporary period; and

(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;

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(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

Example of a stated speed—

a speed of more than 6 knots

(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

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(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.

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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—

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(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.

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—

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(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 Ailan Kastom; 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;

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(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.

Example of a stated speed—

a speed of more than 6 knots

(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

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(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;

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(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.

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—

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(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

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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—

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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.

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(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 at a speed of more than 6 knots.

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

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(ii) disengage the gears; or

(b) withdraw to an area outside the no approach zone for the whale or dugong at a speed that is not more than 6 knots.

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 at a speed of more than 6 knots.

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—

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(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 is not more than 6 knots.

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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

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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.

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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 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).

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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.

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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.

317 Authorised taking, keeping or use of a dead, stranded marine mammal

(1) If a marine mammal that is stranded is dead or dies—

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(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—

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(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, 217B or 228.

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.

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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.

(3) If an autopsy is performed on the animal by a veterinary surgeon, the holder must, unless the holder has a reasonable excuse, also ensure the following things are given to the chief executive within 14 days after the animal dies—

(a) a biological 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.

Maximum penalty—120 penalty units.

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Note—

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

Part 3 Taking, keeping and using animals

321 Use of animals to take protected animals

(1) A person must not, unless the person has a reasonable excuse, use a dog, or other animal, to take a protected animal.

Maximum penalty—120 penalty units.

Notes—

1 See section 133 for additional requirements about taking an animal under a harvesting licence.

2 See section 171 for additional requirements about taking a flying-fox under a damage mitigation permit.

(2) Subsection (1) does not apply if—

(a) the person is authorised to take the protected animal under the Act; and

(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.

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(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—

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(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.

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(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.

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(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

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(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—

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(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.

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.

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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

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- 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.

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.

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Maximum penalty—

(a) if the animal is a dingo and the offence is committed on K'gari—165 penalty units; or

(b) if the animal is an estuarine crocodile—165 penalty units; or

(c) 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.

333A Keeping food away from dingoes on K'gari

(1) A person on K'gari must, unless the person has a reasonable excuse, ensure food in the person's possession or under the person's control is kept in a way that prevents a dingo from gaining access to the food.

Maximum penalty—40 penalty units.

(2) Subsection (1) does not apply to a person if the person is—

(a) consuming or preparing food for human consumption; or

(b) disposing of food lawfully; or

(c) giving food to an animal lawfully brought on K'gari.

Note—

See, however, section 10 in relation to the application of this regulation to animals in a protected area.

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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 K'gari—165 penalty units; or

(b) if the animal is an estuarine crocodile—165 penalty units; or

(c) 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.

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(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.

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Maximum penalty—165 penalty units.

(2) However, this section does not apply if—

(a) the person is an authorised person; or

(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

(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;

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(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) for a record required to be kept for a standard licence, a specialised licence or an advanced licence—the authority management system; or

(b) for another record—a system for keeping the record electronically that is approved by the chief executive.

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—

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(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—

(a) for a record, or return of operations, relating to an animal authority—

(i) if a conservation plan states the period for which the record or return, or part of the record or return, must be kept—the period stated in the plan; or

(ii) 2 years after the person ceases to hold the authority; or

(b) for another record—2 years after the person ceases to carry out the activity, or possess the animal, to which the record relates.

return of operations, for an animal authority, means a return of operations required to be given to the chief executive for the authority.

Part 2 General requirements for records and returns of operations

338 Information must be complete, accurate and legible

(1) This section applies to a person who is required to—

(a) keep a record; or

(b) give a return of operations to the chief executive.

(2) The person must ensure that information included in the record or return of operations is—

(a) complete and accurate; and

(b) legible; and

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(c) for a record or return of operations not kept in an approved electronic record system—written in ink.

Maximum penalty—100 penalty units.

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

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(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 of 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

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(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.

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

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(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

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(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.

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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.

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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 automatically issued; or

(b) for a specialised licence or an advanced licence—each period of 3 months starting after the licence is granted or automatically issued; 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

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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.

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(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***.

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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.

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(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 requirements relating to the possession of 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—

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(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.

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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—

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(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—

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(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

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 sample from a live animal kept under an animal authority;

(b) checking a biological 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.

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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 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.

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(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.

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.

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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.

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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

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(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.

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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.

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(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.

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375 Supply of movement advices

The chief executive may, on payment of the prescribed fee by a person, give a hard copy of a movement advice to the person for use under the Act.

Note—

An electronic copy of a movement advice is available on the department's website.

Part 6 Authority management system

376 Authorised persons assisting applicants with using authority management system

An application made using the authority management system is not invalid merely because—

(a) any information or documents required for the application are entered into the system by an authorised person with the consent of the applicant; or

(b) an authorised person completes the application on the system with the consent of the applicant.

Chapter 12 Repeals and transitional provisions

Part 1 Repeals

397 Repeals

The following regulations are repealed—

- Nature Conservation (Administration) Regulation 2017, SL No. 156

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- Nature Conservation (Wildlife Management) Regulation 2006, SL No. 205
- Nature Conservation (Wildlife) Regulation 2006, SL No. 206.

Part 2 Transitional provisions for SL No. 136 of 2020

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*.

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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
commercial wildlife licence—	
(a) if the licence was for a dead animal	dealer licence
(b) if the licence was for a live animal	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	least concern animal collection authority

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Column 1 Wildlife authority	Column 2 Animal authority
(b) if the authority was for keeping a collection of dead protected animals	dead animal collection authority

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

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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

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(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.

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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

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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.

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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.

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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—

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(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.

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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—

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(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—

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(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—

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(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

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(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.

Part 3 Transitional provision for Nature Conservation and Other Legislation Amendment Regulation 2021

422 Prescribed period for particular returns of operations for existing research permits

(1) This section applies in relation to—

(a) a research permit granted before the commencement in effect on the commencement; and

(b) the first return of operations for the permit required to be given to the chief executive after the commencement.

(2) For section 348, the prescribed period for the first return of operations for the research permit is taken to be the period—

(a) starting on the commencement; and

(b) ending—

(i) 1 year after the permit was granted; or

(ii) if the permit ends within a year of being granted—on the day the permit ends.

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Part 4 Transitional provision for Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2021

423 Continuing application of former s 239 to existing applications

(1) This section applies if—

(a) before the commencement, a person made an application (the ***existing application***) for the grant, amendment or renewal of an animal authority; and

(b) immediately before the commencement, the existing application had not been decided.

(2) Former section 239 continues to apply in relation to the existing application as if the *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2021* had not commenced.

(3) In this section—

former section 239 means section 239 as in force immediately before the commencement.

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—

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(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.

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.

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Part 7 Transitional provisions for Nature Conservation and Other Legislation Amendment Regulation 2023

426 Definitions for part

In this part—

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

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

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

(1) This section applies in relation to an application for a damage mitigation permit—

(a) that was made, but not decided, before the commencement; and

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

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

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

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

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

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

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

(1) This section applies in relation to an application made for a damage mitigation permit that, on 1 July 2026, has not been decided.

(2) Chapter 4, part 10, division 1, as in force from 1 July 2026, applies in relation to deciding the application.

Part 8 Transitional provision for Nature Conservation Legislation Amendment Regulation 2025

431 Undecided applications relating to particular animal authorities

(1) This section applies if—

(a) before the commencement, a person made—

(i) an application for an animal authority; or

(ii) an application to renew or amend an animal authority; and

(b) immediately before the commencement, the application had not been decided or withdrawn.

Note—

See also section 220 of the Act in relation to particular applications dealt with by the operation of an automated system before the commencement.

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(2) This regulation, as in force from the commencement, applies in relation to deciding the application.

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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

1A Amphibians

Scientific name	Common name
Rheobatrachus vitellinus	northern gastric brooding frog

2 Mammals

Scientific name	Common name
Bettongia gaimardi gaimardi	eastern bettong
Bettongia lesueur graii	burrowing bettong
Conilurus capricornensis	Capricorn rabbit-rat
Pseudomys glaucus	blue-grey mouse
Pteropus brunneus	Percy Island flying-fox

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

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(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

(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.

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Division 2 Extinct in the wild wildlife

Subdivision 1 Animals

6 Amphibians

Scientific name	Common name
Rheobatrachus silus	southern gastric brooding frog
Taudactylus acutirostris	sharp-nosed torrent frog
Taudactylus diurnus	southern dayfrog

7 Birds

Scientific name	Common name
Psephotellus pulcherrimus	paradise parrot

8 Mammals

Scientific name	Common name
Caloprymnus campestris	desert rat-kangaroo
Conilurus albipes	white-footed tree-rat
Dasyurus geoffroii geoffroii	western quoll
Melomys rubicola	Bramble Cay melomys
Notomys mordax	Darling Downs hopping-mouse

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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—

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(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.

Division 3 Critically endangered wildlife

Subdivision 1 Animals

12 Amphibians

Scientific name	Common name
Cophixalus concinnus	elegant frog
Cophixalus hosmeri	rattling nursery frog
Cophixalus mcdonaldi	Mount Elliot nursery frog
Cophixalus monticola	mountain-top nursery frog
Cophixalus neglectus	neglected nursery frog
Litoria kroombitensis	Kroombit treefrog
Litoria lorica	armoured mist frog

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Scientific name	Common name
Litoria myola	Kuranda treefrog
Litoria nyakalensis	mountain mist frog
Taudactylus pleione	Kroombit tinkerfrog
Taudactylus rheophilus	northern tinkerfrog

13 Birds

Scientific name	Common name
Anthochaera phrygia	regent honeyeater
Calidris ferruginea	curlew sandpiper
Cyclopsitta diophthalma coxeni	Coxen's fig-parrot
Numenius madagascariensis	eastern curlew
Pedionomus torquatus	plains-wanderer
Pezoporus occidentalis	night parrot
Pterodroma heraldica	Herald petrel
Turnix olivii	buff-breasted button-quail

13A Fish

Scientific name	Common name
Cairnsichthys bitaeniatus	Daintree rainbowfish
Centroberyx affinis	redfish
Chlamydogobius squamigenus	Edgbaston goby
Melanotaenia sp. nov. 'Malanda'	Malanda rainbowfish
Melanotaenia sp. nov. 'Running River'	Running River rainbowfish

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14 Invertebrates

Scientific name	Common name
Euastacus bindal	Mount Elliot crayfish
Euastacus binzayedi	Embezee's crayfish
Euastacus dalagarbe	mud gully crayfish
Euastacus jagara	Jagara hairy crayfish
Euastacus maidae	hinterland spiny crayfish
Euastacus setosus	Mount Glorious spiny crayfish
Euastacus yigara	Cardwell hairy crayfish
Hypochrysops piceatus	bulloak jewel butterfly

14A Mammals

Scientific name	Common name
Lasiorhinus krefftii	northern hairy-nosed wombat

15 Reptiles

Scientific name	Common name
Anilios insperatus	Fassifern blind snake
Austroablepharus barrylyoni	Lyon's soil-crevice skink
Ctenotus serotinus	gravel-downs ctenotus
Elseya albagula	white-throated snapping turtle
Elusor macrurus	Mary River turtle
Emydura subglobosa angkibaanya	Jardine River turtle
Nangura spinosa	Nangur skink
Oedura lineata	Arcadia velvet gecko

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Scientific name	Common name
Orraya occultus	McIlwraith leaf-tailed gecko
Phyllurus gulbaru	Gulbaru gecko
Phyllurus kabikabi	Oakview leaf-tailed gecko
Phyllurus pinnaclensis	Pinnacles leaf-tailed gecko
Saltuarius eximius	Cape Melville leaf-tailed gecko
Techmarscincus jigurru	Bartle Frere cool-skink
Tiliqua scincoides intermedia	northern blue-tongued lizard
Varanus mitchelli	Mitchell's water monitor

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

(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

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(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
Cophixalus aenigma	tapping nursery frog
Mixophyes fleayi	Fleay's barred frog
Philoria knowlesi	Mount Ballow mountain frog
Philoria kundagungan	red-and-yellow mountain frog
Taudactylus eungellensis	Eungella tinkerfrog

20 Birds

Scientific name	Common name
Amytornis barbatus barbatus	grey grasswren (Bulloo)
Amytornis dorotheae	Carpentarian grasswren
Botaurus poiciloptilus	Australasian bittern
Cacatua leadbeateri leadbeateri	Major Mitchell's cockatoo (eastern)
Casuarius casuarius johnsonii (southern population)	southern cassowary (southern population)
Charadrius mongolus	lesser sand plover
Chloebia gouldiae	Gouldian finch
Dasyornis brachypterus	eastern bristlebird
Eclectus polychloros macgillivrayi	eclectus parrot (Cape York Peninsula)
Epthianura crocea macgregori	yellow chat (Dawson)

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Scientific name	Common name
Erythrotriorchis radiatus	red goshawk
Lathamus discolor	swift parrot
Limosa lapponica baueri	Western Alaskan bar-tailed godwit
Limosa lapponica menzbieri	Northern Siberian bar-tailed godwit
Limosa limosa	black-tailed godwit
Macronectes giganteus	southern giant-petrel
Melanodryas cucullata cucullata	hooded robin (south-eastern)
Neochmia ruficauda ruficauda	star finch (eastern subspecies)
Poephila cincta cincta	black-throated finch (white-rumped subspecies)
Probosciger aterrimus macgillivrayi	southern palm cockatoo
Psephotellus chrysopterygius	golden-shouldered parrot
Rostratula australis	Australian painted snipe
Sternula nereis exsul	New Caledonian fairy tern
Thalassarche cauta	shy albatross
Thalassarche chrysostoma	grey-headed albatross
Tringa nebularia	common greenshank

21 Fish

Scientific name	Common name
Bidyanus bidyanus	silver perch
Cairnsichthys rhombosomoides	Cairns rainbowfish
Carcharias taurus	greynurse shark

Scientific name	Common name
Chlamydogobius micropterus	Elizabeth Springs goby
Hippocampus whitei	White's seahorse
Maccullochella mariensis	Mary River cod
Mogurnda clivicola	Flinders Ranges mogurnda
Mordacia praecox	non-parasitic lamprey
Nannoperca oxleyana	Oxleyan pygmy perch
Pristis pristis	largetooth sawfish
Pseudomugil mellis	honey blue eye
Scaturiginichthys vermeilipinnis	redfin blue eye
Sphyrna lewini	scalloped hammerhead
Stiphodon surrufus	emerald cling goby

22 Invertebrates

Scientific name	Common name
Adclarkia cameroni	brigalow woodland snail
Adclarkia dawsonensis	boggomoss snail
Adclarkia dulacca	Dulacca woodland snail
Argynnis hyperbius inconstans	Australian fritillary butterfly
Euastacus balanensis	Balan spiny crayfish
Euastacus eungella	Eungella spiny crayfish
Euastacus fleckeri	Flecker's crayfish
Euastacus hystricosus	Conondale spiny crayfish
Euastacus monteithorum	Monteith's spiny crayfish
Euastacus robertsi	Robert's crayfish

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Scientific name	Common name
Euastacus suttoni	Sutton's crayfish
Euastacus urospinosus	Maleny crayfish
Tenuibranchiurus glypticus	swamp crayfish
Trisyntopa scatophaga	antbed moth

23 Mammals

Scientific name	Common name
Antechinus argentus	silver-headed antechinus
Antechinus arktos	black-tailed antechinus
Bettongia tropica	northern bettong
Chalinolobus dwyeri	large-eared pied bat
Dasyuroides byrnei	kowari
Dasyurus maculatus gracilis	spotted-tailed quoll (northern subspecies)
Dasyurus maculatus maculatus	spotted-tailed quoll (south-eastern mainland population)
Hemibelideus lemuroides	lemuroid ringtail possum
Hipposideros semoni	Semon's leaf-nosed bat
Macroderma gigas	ghost bat
Macrotis lagotis	greater bilby
Notomys fuscus	dusky hopping-mouse
Onychogalea frenata	bridled nailtail wallaby
Petauroides volans volans	southern greater glider
Petaurus australis brevirostrum	northern yellow-bellied glider
Petaurus gracilis	mahogany glider

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Scientific name	Common name
Petrogale coenensis	Cape York rock-wallaby
Petrogale persephone	Proserpine rock-wallaby
Phascolarctos cinereus	koala
Pseudomys oralis	Hastings River mouse
Pteropus conspicillatus	spectacled flying-fox
Saccolaimus saccolaimus nudicluniatus	bare-rumped sheathtail bat

24 Reptiles

Scientific name	Common name
Anomalopus mackayi	long-legged worm skink
Caretta caretta	loggerhead turtle
Concinnia frerei	Bartle Frere bar-sided skink
Ctenotus monticola	Atherton ctenotus
Ctenotus rawlinsoni	Cape heath ctenotus
Dermochelys coriacea	leatherback turtle
Eretmochelys imbricata	hawksbill turtle
Hemiaspis damelii	grey snake
Karma tryoni	Tryon’s skink
Lepidochelys olivacea	olive ridley turtle
Lerista allanae	retro slider
Lerista colliveri	nubbined fine-lined slider
Lerista rochfordensis	Rochford slider
Lerista vittata	Mount Cooper slider
Phyllurus caudiannulatus	ringed thin-tailed gecko

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Scientific name	Common name
Rheodytes leukops	Fitzroy River turtle
Saltuarius wyberba	granite leaf-tailed gecko
Tympanocryptis condaminensis	Condamine earless dragon
Tympanocryptis wilsoni	Roma earless dragon
Varanus mertensi	Mertens' water monitor
Wollumbinia belli	Bell's turtle

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

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(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

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(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.

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Division 5 Vulnerable wildlife

Subdivision 1 Animals

28 Amphibians

Scientific name	Common name
Adelotus brevis	tusked frog
Assa darlingtoni	pouched frog
Cophixalus crepitans	northern nursery frog
Cophixalus exiguus	dainty nursery frog
Cophixalus peninsularis	Cape York nursery frog
Crinia tinnula	wallum froglet
Litoria andiirrmalin	Melville Range treefrog
Litoria dayi	lace-eyed treefrog
Litoria freycineti	wallum rocketfrog
Litoria olongburensis	wallum sedgefrog
Litoria pearsoniana	cascade treefrog
Litoria subglandulosa	New England treefrog
Mixophyes iteratus	giant barred frog
Pseudophryne covacevichae	magnificent broodfrog

29 Birds

Scientific name	Common name
Aphelocephala leucopsis	southern whiteface
Ardenna grisea	sooty shearwater

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Scientific name	Common name
Ardenna pacifica	wedge-tailed shearwater
Arenaria interpres	ruddy turnstone
Atrichornis rufescens	rufous scrub-bird
Bolemoreus hindwoodi	Eungella honeyeater
Calidris acuminata	sharp-tailed sandpiper
Calidris canutus	red knot
Calidris tenuirostris	great knot
Calyptorhynchus lathami	glossy black-cockatoo
Casuarius casuarius johnsonii (northern population)	southern cassowary (northern population)
Charadrius leschenaultii	greater sand plover
Climacteris picumnus victoriae	brown treecreeper (south-eastern)
Diomedea antipodensis antipodensis	Antipodean albatross
Diomedea antipodensis gibsoni	Gibson's albatross
Diomedea exulans	wandering albatross
Epthianura crocea crocea	yellow chat (gulf)
Esacus magnirostris	beach stone-curlew
Falco hypoleucos	grey falcon
Gallinago hardwickii	Latham's snipe
Geophaps scripta scripta	squatter pigeon (southern subspecies)
Grantiella picta	painted honeyeater
Halobaena caerulea	blue petrel
Hirundapus caudacutus	white-throated needletail
Limnodromus semipalmatus	Asian dowitcher

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Scientific name	Common name
Macronectes halli	northern giant-petrel
Malurus coronatus	purple-crowned fairy-wren
Neophema chrysostoma	blue-winged parrot
Ninox strenua	powerful owl
Pezoporus wallicus wallicus	ground parrot
Phaethon rubricauda	red-tailed tropicbird
Phoebetria fusca	sooty albatross
Pluvialis squatarola	grey plover
Podargus ocellatus plumiferus	plumed frogmouth
Stagonopleura guttata	diamond firetail
Stipiturus malachurus	southern emu-wren
Thalassarche bulleri	Buller's albatross
Thalassarche carteri	Indian yellow-nosed albatross
Thalassarche steadi	white-capped albatross
Turnix melanogaster	black-breasted button-quail
Tyto novaehollandiae kimberli	masked owl (northern subspecies)
Xenus cinereus	terek sandpiper

30 Fish

Scientific name	Common name
Neoceratodus forsteri	Australian lungfish
Stiphodon pelewensis	Daintree cling goby
Stiphodon rutilaureus	orange cling goby

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31 Invertebrates

Scientific name	Common name
Acrodipsas illidgei	Illidge's ant-blue
Cherax robustus	sand yabby
Euoplos grandis	Darling Downs giant trapdoor spider
Hypochrysops apollo apollo	Apollo jewel (Wet Tropics subspecies)
Jalmenus eubulus	pale imperial hairstreak
Ornithoptera richmondia	Richmond birdwing

32 Mammals

Scientific name	Common name
Arctocephalus tropicalis	Subantarctic fur seal
Conilurus penicillatus	brush-tailed rabbit-rat
Dasycercus cristicauda	crest-tailed mulgara
Dugong dugon	dugong
Hipposideros cervinus	fawn leaf-nosed bat
Hipposideros stenotis	northern leaf-nosed bat
Murina florium	tube-nosed insectivorous bat
Notomys aquilo	northern hopping-mouse
Nyctophilus corbeni	Corben's long-eared bat
Orcaella heinsohni	Australian snubfin dolphin
Petauroides volans minor	northern greater glider
Petaurus australis australis	yellow-bellied glider (south-eastern subspecies)

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Scientific name	Common name
Petrogale penicillata	brush-tailed rock-wallaby
Petrogale purpureicollis	purple-necked rock-wallaby
Petrogale sharmani	Sharman's rock-wallaby
Petrogale xanthopus celeris	yellow-footed rock-wallaby
Potorous tridactylus tridactylus	long-nosed potoroo
Pseudomys australis	plains rat
Pseudomys novaehollandiae	New Holland mouse
Rhinolophus robertsi	greater large-eared horseshoe bat
Rhinonicteris aurantia	orange leaf-nosed bat
Sminthopsis douglasi	Julia Creek dunnart
Sminthopsis leucopus janetzkiae	white-footed dunnart
Sousa sahulensis	Australian humpback dolphin
Xeromys myoides	false water-rat

33 Reptiles

Scientific name	Common name
Acanthophis antarcticus	common death adder
Acanthophis hawkei	plains death adder
Chelonia mydas	green turtle
Crocodylus porosus	estuarine crocodile
Delma torquata	collared delma
Denisonia maculata	ornamental snake
Egernia rugosa	yakka skink
Elseya irwini	Irwin's turtle

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Scientific name	Common name
Elseya lavarackorum	Gulf snapping turtle
Furina dunmalli	Dunmall's snake
Harrisoniascincus zia	rainforest cool-skink
Lerista cinerea	vine-thicket fine-lined slider
Lerista ingrami	McIvor River slider
Magmellia luteilateralis	orange-speckled forest-skink
Natator depressus	flatback turtle
Phyllurus amnicola	Mount Elliot broad-tailed gecko
Phyllurus championae	Connors' Range broad-tailed gecko
Phyllurus isis	Mount Jukes broad-tailed gecko
Saproscincus eungellensis	Eungella shadeskink

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—

(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.

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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—

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(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.

(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.

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Division 6 Near threatened wildlife

Subdivision 1 Animals

37 Amphibians

Scientific name	Common name
Litoria cooloolensis	Cooloola sedgefrog
Litoria longirostris	long snouted treefrog
Taudactylus liemi	Eungella tinkerfrog

38 Birds

Scientific name	Common name
Amytornis barbatus diamantina	grey grasswren (Lake Eyre Basin)
Amytornis rowleyi	rusty grasswren
Erythrura trichroa	blue-faced parrot-finch
Menura alberti	Albert's lyrebird
Ninox rufa meesi	rufous owl (Cape York subspecies)

39 Fish

Scientific name	Common name
Hemitrygon fluviorum	estuary stingray

40 Mammals

Scientific name	Common name
Dendrolagus bennettianus	Bennett's tree-kangaroo

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Scientific name	Common name
Dendrolagus lumholtzi	Lumholtz's tree-kangaroo
Hipposideros diadema reginae	diadem leaf-nosed bat
Sminthopsis archeri	chestnut dunnart
Taphozous australis	coastal sheathtail bat
Vombatus ursinus	bare-nosed wombat

41 Reptiles

Scientific name	Common name
Anilios silvia	Cooloola blind snake
Aspidites ramsayi	woma
Ctenotus capricorni	Capricorn ctenotus
Ctenotus schevilli	spotted black-soil ctenotus
Delma mitella	Atherton delma
Emoia atrocostata atrocostata	littoral whip-tail skink
Emydura subglobosa worrelli	diamond head turtle
Lampropholis colossus	Bunya Mountains sunskink
Lampropholis mirabilis	saxicoline sunskink
Lepidodactylus pumilus	slender chained gecko
Lerista ameles	limbless fine-lined slider
Lerista hobsoni	Hobson's fine-lined slider
Lygisaurus rococo	Chillagoe litter-skink
Lygisaurus tanneri	Endeavour River litter-skink
Morelia viridis	green python (Australian population)
Strophurus taenicauda	golden-tailed gecko

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Scientific name	Common name
Varanus prasinus	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—

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(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.

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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.

Division 7 Least concern wildlife

Subdivision 1 Animals

45 Amphibians

A native amphibian, other than an amphibian prescribed as another class of wildlife.

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46 Birds

A native bird, other than a bird prescribed as another class of wildlife.

47 Invertebrates

(1) A native scorpion of the genus *Urodacus*, other than a scorpion prescribed as another class of wildlife.

(2) A native spider of the family Theraphosidae, other than a spider prescribed as another class of wildlife.

(3) The following butterflies—

Scientific name	Common name
Allora doleschallii doleschallii	peacock awl
Chaetocneme sphinterifera sphinterifera	banded dusk-flat
Euschemon rafflesia alba	regent skipper (northern subspecies)
Hypochrysops elgneri barnardi	amethyst jewel
Liphyra brassolis major	moth butterfly
Nacaduba pactolus cela	bold blue-line
Ornithoptera spp. (other than *Ornithoptera richmondia*)	birdwing butterflies (other than the Richmond birdwing butterfly)
Papilio ulysses joesa	Ulysses butterfly
Trapezites symmomus sombra	splendid ochre (Wet Tropics subspecies)

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

48 Mammals

(1) A native mammal, other than the following—

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(a) a mammal prescribed as another class of 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 prescribed as another class of 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

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(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;

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(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
Eclectus roratus, other than the Australian population of *Eclectus roratus*	eclectus parrot

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54 Reptiles

Scientific name	Common name
Leiopython sp.	white-lipped python
Morelia viridis, other than the Australian population of *Morelia viridis*	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.

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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.

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Schedule 2 Conservation value for protected animals

sections 22 and 23

Part 1 Conservation value for protected animals

	Column 1 Class of animal	Column 2 Conservation value
1	Extinct animals	19,654 fee units
2	Extinct in the wild animals	19,654 fee units
3	Critically endangered animals	15,723 fee units
4	Endangered animals	15,723 fee units
5	Vulnerable animals	11,788 fee units
6	Near threatened animals	7,854 fee units
7	Least concern animals	1,953 fee units

Part 2 Persons exempt from payment of conservation value

	Column 1 Person	Column 2 Protected animal
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

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	Column 1 Person	Column 2 Protected animal
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 *Tiliqua rugosa* (shingle back) or *Pogona vitticeps*, taken under the licence for racing in the Cunnamulla–Eulo Festival of Opals An estuarine crocodile egg taken under the licence

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Schedule 3 Categories of animals

section 21

Part 1 Exempt animals

1 Birds

Scientific name	Common name
Barnardius zonarius	Australian ringneck
Cacatua galerita	sulphur-crested cockatoo
Cacatua pastinator	western corella
Cacatua sanguinea	little corella
Cacatua tenuirostris	long-billed corella
Chalcophaps longirostris	emerald dove
Chloebia gouldiae	Gouldian finch
Coturnix pectoralis	stubble quail
Emblema pictum	painted finch
Eolophus roseicapilla	galah
Erythrura trichroa	blue-faced parrot finch
Geopelia cuneata	diamond dove
Geopelia humeralis	bar-shouldered dove
Geopelia striata	peaceful dove
Geophaps plumifera	spinifex pigeon
Glossopsitta concinna	musk lorikeet
Heteromunia pectoralis	pictorella mannikin

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Scientific name	Common name
Lonchura castaneothorax	chestnut-breasted mannikin
Lonchura flaviprymna	yellow-rumped mannikin
Melopsittacus undulatus	budgerigar
Neochmia modesta	plum-headed finch
Neochmia phaeton	crimson finch
Neochmia ruficauda	star finch
Neochmia temporalis	red-browed finch
Neophema chrysostoma	blue-winged parrot
Neophema elegans	elegant parrot
Neophema petrophila	rock parrot
Neophema pulchella	turquoise parrot
Neophema splendida	scarlet-chested parrot
Neopsephotus bourkii	Bourke's parrot
Northiella haematogaster	blue bonnet
Nymphicus hollandicus	cockatiel
Ocyphaps lophotes	crested pigeon
Parvipsitta porphyrocephala	purple-crowned lorikeet
Parvipsitta pusilla	little lorikeet
Phaps chalcoptera	common bronzewing
Platycercus adscitus	pale-headed rosella
Platycercus elegans adelaidae	Adelaide rosella
Platycercus elegans elegans	crimson rosella
Platycercus elegans flaveolus	yellow rosella
Platycercus eximius	eastern rosella

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Scientific name	Common name
Platycercus icterotis	western rosella
Platycercus venustus	northern rosella
Poephila acuticauda	long-tailed finch
Poephila cincta	black-throated finch
Poephila personata	masked finch
Polytelis alexandrae	princess parrot
Polytelis anthopeplus	regent parrot
Polytelis swainsonii	superb parrot
Psephotus dissimilis	hooded parrot
Psephotus haematonotus	red-rumped parrot
Psephotus varius	mulga parrot
Psitteuteles versicolor	varied lorikeet
Purpureicephalus spurius	red-capped parrot
Stagonopleura guttata	diamond firetail
Synoicus chinensis	king quail
Synoicus ypsilophorus	brown quail
Taeniopygia bichenovii	double-barred finch
Taeniopygia guttata	zebra finch
Trichoglossus chlorolepidotus	scaly-breasted lorikeet
Trichoglossus haemotodus moluccanus	rainbow lorikeet
Trichoglossus rubritorquis	red-collared lorikeet
Turnix melanogaster	black-breasted button-quail
Turnix varius	painted button-quail

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Scientific name	Common name
Turnix velox	little button-quail

1A Fish

Scientific name	Common name
Cairnsichthys rhombosomoides	Cairns rainbowfish
Chlamydogobius squamigenus	Edgbaston goby
Melanotaenia sp. nov. 'Malanda'	Malanda rainbowfish
Melanotaenia sp. nov. 'Running River'	Running River rainbowfish
Pseudomugil mellis	honey blue eye
Scaturiginichthys vermeilipinnis	redfin blue eye

Part 2 Class 1 animals

2 Amphibians

Scientific name	Common name
Crinia parinsignifera	beeping froglet
Crinia signifera	clicking froglet
Crinia sloanei	Sloane's froglet
Cyclorana alboguttata	striped burrowing frog
Cyclorana australis	giant burrowing frog
Cyclorana brevipes	short-footed frog
Cyclorana novaehollandiae	wide-mouthed frog
Cyclorana platycephala	water holding frog
Limnodynastes dumerilii	eastern banjo frog

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Scientific name	Common name
Limnodynastes fletcheri	barking frog
Limnodynastes interioris	giant banjo frog
Limnodynastes peronii	striped marshfrog
Limnodynastes salmini	salmon striped frog
Limnodynastes tasmaniensis	spotted grassfrog
Limnodynastes terraereginae	northern banjo frog
Litoria balatus	slender bleating treefrog
Litoria bicolor	northern sedgefrog
Litoria caerulea	common green treefrog
Litoria chloris	red-eyed treefrog
Litoria citropa	Blue Mountains treefrog
Litoria dentata	bleating treefrog
Litoria ewingii	brown treefrog
Litoria fallax	eastern sedgefrog
Litoria freycineti	wallum rocketfrog
Litoria gilleni	Centralian treefrog
Litoria gracilenta	graceful treefrog
Litoria infrafrenata	white-lipped treefrog
Litoria jervisiensis	Jervis Bay treefrog
Litoria jungguy	northern stony creek frog
Litoria latopalmata	broad-palmed rocketfrog
Litoria lesueuri	stony creek frog
Litoria moorei	motorbike frog
Litoria nasuta	striped rocketfrog

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Scientific name	Common name
Litoria nudidigita	leaf green river treefrog
Litoria peronii	emerald spotted treefrog
Litoria phyllochroa	green stream frog
Litoria rothii	northern laughing treefrog
Litoria rubella	little red treefrog
Litoria splendida	magnificent treefrog
Litoria tyleri	southern laughing treefrog
Litoria verreauxii	whistling treefrog
Litoria wilcoxii	eastern stony creek frog
Neobatrachus pictus	painted burrowing frog
Neobatrachus sudellae	meeowing frog
Platyplectrum ornatum	ornate burrowing frog
Uperoleia fusca	dusky toadlet
Uperoleia laevigata	smooth toadlet
Uperoleia rugosa	wrinkled toadlet
Uperoleia tyleri	Tyler's toadlet

3 Birds

Scientific name	Common name
Alisterus scapularis	king parrot
Anas castanea	chestnut teal
Anas gracilis	grey teal
Anas superciliosa	Pacific black duck
Aprosmictus erythropterus	red-winged parrot

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Scientific name	Common name
Aythya australis	hardhead
Callocephalon fimbriatum	gang-gang cockatoo
Calyptorhynchus banksii	red-tailed black-cockatoo
Calyptorhynchus funereus	yellow-tailed black-cockatoo
Cereopsis novaehollandiae	Cape Barren goose
Chenonetta jubata	Australian wood duck
Columba leucomela	white-headed pigeon
Cyclopsitta diopthalma macleayana	Macleay's fig parrot
Dendrocygna arcuata	wandering whistling-duck
Dendrocygna eytoni	plumed whistling-duck
Ducula bicolor	pied imperial-pigeon
Eclectus roratus, other than the Australian population of *Eclectus roratus*	eclectus parrot
Epthianura tricolor	crimson chat
Geophaps scripta	squatter pigeon
Geophaps smithii	partridge pigeon
Lathamus discolor	swift parrot
Leucosarcia melanoleuca	wonga pigeon
Lophochroa leadbeateri	Major Mitchell's cockatoo
Macropygia amboinensis	brown cuckoo-dove
Malacorhynchus membranaceus	pink-eared duck
Malurus cyaneus	superb fairy-wren
Malurus splendens	splendid fairy-wren

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Scientific name	Common name
Northiella narethae	Naretha blue bonnet
Oxyura australis	blue-billed duck
Petrophassa albipennis	white-quilled rock-pigeon
Petrophassa rufipennis	chestnut-quilled rock-pigeon
Phaps elegans	brush bronzewing
Phaps histrionica	flock bronzewing
Platycercus caledonicus	green rosella
Psephotus chrysopterygius	golden-shouldered parrot
Ptilinopus regina	rose-crowned fruit-dove
Ptilinopus superbus	superb fruit-dove
Radjah radjah	radjah shelduck
Sphecotheres vieilloti	Australasian figbird
Stagonopleura bella	beautiful firetail
Stagonopleura oculata	red-eared firetail
Tadorna tadornoides	Australian shelduck
Turnix maculosus	red-backed button-quail
Turnix olivii	buff-breasted button-quail
Turnix pyrrhothorax	red-chested button-quail
Zosterops lateralis	silvereye

4 Invertebrates

The following invertebrates—

(a) protected spiders;

(b) protected scorpions.

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5 Reptiles

Scientific name	Common name
Acritoscincus platynotum	red-throated skink
Amalosia lesueurii	Lesueur's velvet gecko
Amphibolurus burnsi	Burns' dragon
Amphibolurus centralis	Centralian lashtail dragon
Amphibolurus muricatus	jacky lizard
Antaresia childreni	Children's python
Antaresia maculosa	spotted python
Antaresia perthensis	pygmy python
Aprasia picturata	black-headed worm-lizard
Aspidites melanocephalus	black-headed python
Aspidites ramsayi	woma
Bellatorias frerei	major skink
Bellatorias major	land mullet
Boiga irregularis	brown tree snake
Chelodina canni	Cann's long-necked turtle
Chelodina expansa	broad-shelled turtle
Chelodina longicollis	eastern snake-necked turtle
Chelodina rugosa	northern snake-necked turtle
Christinus marmoratus	marbled gecko
Concinnia tenuis	bar-sided skink
Cryptoblepharus virgatus	striped snake-eyed skink
Ctenophorus nuchalis	central netted dragon
Ctenophorus pictus	painted dragon

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Scientific name	Common name
Ctenotus regius	pale-rumped ctenotus
Ctenotus robustus	robust ctenotus
Ctenotus schomburgkii	barred wedgesnout ctenotus
Ctenotus spaldingi	straight-browed ctenotus
Ctenotus taeniolatus	copper-tailed skink
Cyclodomorphus casuarinae	Tasmanian she-oak skink
Cyclodomorphus gerrardii	pink-tongued lizard
Cyclodomorphus michaeli	mainland she-oak skink
Delma molleri	Gulfs delma
Delma tincta	excitable delma
Dendrelaphis punctulatus	common tree snake
Diplodactylus tessellatus	tessellated gecko
Diplodactylus vittatus	wood gecko
Diporiphora australis	tommy roundhead
Diporiphora nobbi	nobbi
Egernia cunninghami	Cunningham’s skink
Egernia hosmeri	Hosmer’s skink
Egernia kingii	King’s skink
Egernia saxatilis	black crevice-skink
Egernia stokesii	gidgee skink
Egernia striolata	tree skink
Elseya dentata	northern snapping turtle
Elusor macrurus	Mary River turtle
Emydura macquarii	river turtle

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Scientific name	Common name
Eremiascincus fasciolatus	narrow-banded sand swimmer
Eremiascincus phantasmus	ghost skink
Eremiascincus richardsonii	broad-banded sand swimmer
Eulamprus quoyii	eastern water skink
Gehyra australis	northern dtella
Gehyra dubia	dubious dtella
Gehyra occidentalis	Kimberley Plateau dtella
Gehyra versicolor	tree dtella
Gowidon longirostris	long-nosed dragon
Heteronotia binoei	Bynoe's gecko
Heteronotia spelea	desert cave gecko
Intellagama lesueurii	eastern water dragon
Karma murrayi	Murray's skink
Lampropholis delicata	dark-flecked garden sunskink
Lampropholis guichenoti	pale-flecked garden sunskink
Lialis burtonis	Burton's legless lizard
Liasis fuscus	water python
Liasis olivaceus	olive python
Liopholis inornata	desert skink
Liopholis modesta	eastern ranges rock-skink
Liopholis whitii	White's skink
Lophognathus gilberti	Gilbert's dragon
Lophognathus horneri	Horner's dragon
Lophosaurus spinipes	southern angle-headed dragon

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Scientific name	Common name
Lucasium damaeum	beaded gecko
Lucasium steindachneri	box-patterned gecko
Menetia greyii	common dwarf skink
Morelia bredli	Centralian carpet python
Morelia carinata	rough-scaled python
Morelia spilota	carpet python
Morelia viridis	green python
Morethia boulengeri	south-eastern morethia skink
Morethia lineoocellata	west coast morethia skink
Nebulifera robusta	robust velvet gecko
Nephrurus amyae	Centralian knob-tailed gecko
Nephrurus asper	prickly knob-tailed gecko
Nephrurus laevissimus	pale knob-tail gecko
Nephrurus levis	three-lined knob-tail gecko
Nephrurus sheai	northern knob-tail gecko
Nephrurus stellatus	starred knob-tail gecko
Nephrurus wheeleri	banded knob-tail gecko
Oedura bella	Gulf marbled velvet gecko
Oedura castelnaui	northern velvet gecko
Oedura cincta	inland marbled velvet gecko
Oedura coggeri	northern spotted velvet gecko
Oedura filicipoda	fringe-toed velvet gecko
Oedura marmorata	marbled velvet gecko
Oedura monilis	ocellated velvet gecko

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Scientific name	Common name
Oedura tryoni	southern spotted velvet gecko
Phyllurus platurus	broad-tailed gecko
Pogona barbata	bearded dragon
Pogona henrylawsoni	downs bearded dragon
Pogona minor	dwarf bearded dragon
Pogona mitchelli	north-west bearded dragon
Pogona vitticeps	central bearded dragon
Pygopus lepidopodus	common scaly-foot
Pygopus nigriceps	hooded scaly-foot
Pygopus schraderi	eastern hooded scaly-foot
Rankinia diemensis	mountain heath dragon
Saltuarius cornutus	northern leaf-tailed gecko
Saltuarius moritzi	Moritz's leaf-tailed gecko
Saltuarius salebrosus	rough-throated leaf-tailed gecko
Saltuarius swaini	southern leaf-tailed gecko
Simalia amethistina	amethystine python
Simalia kinghorni	amethystine python
Stegonotus cucullatus	slaty-grey snake
Strophurus ciliaris	northern spiny-tailed gecko
Strophurus intermedius	southern spiny-tailed gecko
Strophurus jeanae	southern phasmid gecko
Strophurus krisalys	Kristin's spiny-tailed gecko
Strophurus taenicauda	golden-tailed gecko
Strophurus wellingtonae	western shield spiny-tailed gecko

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Scientific name	Common name
Strophurus williamsi	eastern spiny-tailed gecko
Suta dwyeri	Dwyer's snake
Tiliqua multifasciata	Centralian blue-tongued lizard
Tiliqua nigrolutea	blotched blue-tongued lizard
Tiliqua rugosa	shingleback
Tiliqua scincoides	eastern blue-tongued lizard
Tropicagama temporalis	swamplands lashtail
Tropidonophis mairii	keelback snake
Underwoodisaurus milii	thick-tailed gecko
Varanus acanthurus	ridge-tailed monitor
Varanus gilleni	pygmy mulga monitor
Varanus gouldii	sand monitor
Varanus mertensi	Mertens' water monitor
Varanus scalaris	spotted tree monitor
Varanus storri	Storr's monitor
Varanus tristis	black-tailed monitor
Wollumbinia latisternum	saw-shelled turtle

Part 3 Class 2 animals

6 Amphibians

Scientific name	Common name	Dangerous animal
Adelotus brevis	tusked frog	no
Assa darlingtoni	pouched frog	no

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Scientific name	Common name	Dangerous animal
Crinia deserticola	desert froglet	no
Crinia tinnula	wallum froglet	no
Cyclorana cultripes	knife-footed frog	no
Cyclorana verrucosa	rough frog	no
Geocrinia laevis	smooth frog	no
Geocrinia victoriana	eastern smooth frog	no
Geocrinia vitellina	orange-bellied frog	no
Heleioporus australiacus	giant burrowing frog	no
Litoria aurea	green and golden bell frog	no
Litoria booroolongensis	Booroolong frog	no
Litoria brevipalmata	green thighed frog	no
Litoria burrowsae	Tasmanian treefrog	no
Litoria dahlii	northern waterfrog	no
Litoria eucnemis	growling green eyed frog	no
Litoria littlejohni	Littlejohn's treefrog	no
Litoria pearsoniana	cascade treefrog	no
Litoria raniformis	southern bell frog	no
Litoria revelata	whirring treefrog	no
Litoria xanthomera	orange thighed treefrog	no
Mixophyes balbus	stuttering frog	no
Mixophyes fasciolatus	great barred frog	no
Mixophyes iteratus	giant barred frog	no
Notaden bennettii	holy cross frog	no
Notaden nichollsi	desert spadefoot	no

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Scientific name	Common name	Dangerous animal
Paracrinia haswelli	Haswell's froglet	no
Philoria kundagungan	red-and-yellow mountainfrog	no
Philoria loveridgei	masked mountainfrog	no
Philoria sphagnicolus	sphagnum frog	no
Pseudophryne australis	red-crowned toadlet	no
Pseudophryne bibronii	Bibron's toadlet	no
Pseudophryne coriacea	red-backed toadlet	no
Pseudophryne dendyi	Dendy's toadlet	no
Pseudophryne major	large toadlet	no
Pseudophryne semimarmorata	southern toadlet	no

7 Birds

Scientific name	Common name	Dangerous animal
Acanthagenys rufogularis	spiny-cheeked honeyeater	no
Acanthiza chrysorrhoa	yellow-rumped thornbill	no
Acanthorhynchus superciliosus	western spinebill	no
Acanthorhynchus tenuirostris	eastern spinebill	no
Ailuroedus crassirostris	green catbird	no
Alectura lathami	Australian brush-turkey	no
Amytornis rowleyi	rusty grasswren	no
Amytornis striatus	striated grasswren	no
Amytornis textilis	western grasswren	no
Anseranas semipalmata	magpie goose	no

Authorised by the Parliamentary Counsel

Scientific name	Common name	Dangerous animal
Anthochaera carunculata	red wattlebird	no
Anthochaera chrysoptera	little wattlebird	no
Aplonis metallica	metallic starling	no
Artamus cinereus	black-faced woodswallow	no
Artamus cyanopterus	dusky woodswallow	no
Artamus leucorynchus	white-breasted woodswallow	no
Artamus personatus	masked woodswallow	no
Artamus superciliosus	white-browed woodswallow	no
Biziura lobata	musk duck	no
Bubulcus ibis	cattle egret	no
Burhinus grallarius	bush stone-curlew	no
Caligavis chrysops	yellow-faced honeyeater	no
Calyptorhynchus baudinii	Baudin's black-cockatoo	no
Calyptorhynchus lathami	glossy black-cockatoo	no
Calyptorhynchus latirostris	Carnaby's black-cockatoo	no
Centropus phasianinus	pheasant coucal	no
Certhionyx variegatus	pied honeyeater	no
Chlamydera maculata	spotted bowerbird	no
Cinnyris jugularis	olive-backed sunbird	no
Cladorhynchus leucocephalus	banded stilt	no
Corcorax melanorhamphos	white-winged chough	no
Corvus orru	Torresian crow	no

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Scientific name	Common name	Dangerous animal
Cygnus atratus	black swan	no
Dacelo leachii	blue-winged kookaburra	no
Dacelo novaeguineae	laughing kookaburra	no
Dicaeum hirundinaceum	mistletoebird	no
Eclectus roratus	eclectus parrot (Australian population)	no
Egretta garzetta	little egret	no
Egretta novaehollandiae	white-faced heron	no
Egretta picata	pied heron	no
Entomyzon cyanotis	blue-faced honeyeater	no
Eopsaltria australis	eastern yellow robin	no
Epthianura albifrons	white-fronted chat	no
Epthianura aurifrons	orange chat	no
Eulabeornis castaneoventris	chestnut rail	no
Eurystomus orientalis	dollarbird	no
Fulica atra	eurasian coot	no
Gallinula mortierii	Tasmanian native-hen	no
Gallinula tenebrosus	dusky moorhen	no
Gallinula ventralis	black-tailed native-hen	no
Gallirallus philippensis	buff-banded rail	no
Grallina cyanoleuca	magpie-lark	no
Gymnorhina tibicen	Australian magpie	no
Himantopus himantopus	black-winged stilt	no
Lichenostomus melanops	yellow-tufted honeyeater	no

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Scientific name	Common name	Dangerous animal
Lopholaimus antarcticus	topnot pigeon	no
Malurus amabilis	lovely fairy-wren	no
Malurus assimilis	purple-backed fairy-wren	no
Malurus coronatus	purple-crowned fairy-wren	no
Malurus elegans	red-winged fairy-wren	no
Malurus lamberti	variegated fairy-wren	no
Malurus leucopterus	white-winged fairy-wren	no
Malurus melanocephalus	red-backed fairy-wren	no
Malurus pulcherrimus	blue-breasted fairy-wren	no
Manorina melanocephala	noisy miner	no
Melanodryas cucullata	hooded robin	no
Meliphaga lewinii	Lewin's honeyeater	no
Melithreptus lunatus	white-naped honeyeater	no
Merops ornatus	rainbow bee-eater	no
Microcarbo melanoleucos	little pied cormorant	no
Myzomela sanguinolenta	scarlet honeyeater	no
Nettapus coromandelianus	cotton pygmy-goose	no
Nettapus pulchellus	green pygmy-goose	no
Oriolus sagittatus	olive-backed oriole	no
Pachycephala pectoralis	golden whistler	no
Pachycephala rufiventris	rufous whistler	no
Pardalotus punctatus	spotted pardalote	no
Pardalotus striatus	striated pardalote	no

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Scientific name	Common name	Dangerous animal
Peltohyas australis	inland dotterel	no
Petroica boodang	scarlet robin	no
Petroica goodenovii	red-capped robin	no
Petroica phoenicea	flame robin	no
Philemon citreogularis	little friarbird	no
Philemon corniculatus	noisy friarbird	no
Phylidonyris niger	white-cheeked honeyeater	no
Phylidonyris novaehollandiae	New Holland honeyeater	no
Phylidonyris pyrrhopterus	crescent honeyeater	no
Pitta iris	rainbow pitta	no
Pitta versicolor	noisy pitta	no
Platalea flavipes	yellow-billed spoonbill	no
Platalea regia	royal spoonbill	no
Plectorhyncha lanceolata	striped honeyeater	no
Plegadis falcinellus	glossy ibis	no
Podargus strigoides	tawny frogmouth	no
Porphyrio melanotus	purple swamphen	no
Psophodes olivaceus	eastern whipbird	no
Ptilinopus magnificus	wompoo fruit-dove	no
Ptilonorhynchus violaceus	satin bowerbird	no
Ptilotula penicillata	white-plumed honeyeater	no
Sericornis citreogularis	yellow-throated scrubwren	no
Sericornis frontalis	white-browed scrubwren	no

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Scientific name	Common name	Dangerous animal
Sericulus chrysocephalus	regent bowerbird	no
Spatula rhynchotis	Australian shoveler	no
Stictonetta naevosa	freckled duck	no
Struthidea cinerea	apostlebird	no
Threskiornis molucca	Australian white ibis	no
Threskiornis spinicollis	straw-necked ibis	no
Todiramphus macleayii	forest kingfisher	no
Todiramphus pyrrhopygius	red-backed kingfisher	no
Todiramphus sanctus	sacred kingfisher	no
Turnix castanotus	chestnut-backed button-quail	no
Vanellus miles	masked lapwing	no
Vanellus tricolor	banded lapwing	no

8 Reptiles

Scientific name	Common name	Dangerous animal
Acanthophis spp.	death adder (all species)	yes
Acrochordus arafurae	Arafura file snake	no
Acrochordus granulatus	little file snake	no
Anilios nigrescens	blackish blind snake	no
Anomalopus verreauxii	three-clawed worm-skink	no
Austrelaps spp.	copperhead (all species)	yes
Brachyurophis australis	coral snake	no
Cacophis harriettae	white-crowned snake	no

Authorised by the Parliamentary Counsel

Scientific name	Common name	Dangerous animal
Cacophis krefftii	dwarf crowned snake	no
Cacophis squamulosus	golden-crowned snake	no
Calyptotis ruficauda	red-tailed calyptotis	no
Carettochelys insculpta	pig-nosed turtle	no
Carphodactylus laevis	chameleon gecko	no
Cerberus australis	bockadam	no
Chelodina burrungandjii	sandstone long-necked turtle	no
Chelodina steindachneri	flat-shelled turtle	no
Chelosania brunnea	chameleon dragon	no
Chlamydosaurus kingii	frilled lizard	no
Concinnia martini	dark bar-sided skink	no
Cryptophis nigrescens	eastern small-eyed snake	yes
Ctenophorus caudicinctus	ring-tailed dragon	no
Ctenophorus clayi	black-collared dragon	no
Ctenophorus cristatus	crested dragon	no
Ctenophorus decresii	tawny dragon	no
Ctenophorus fionni	peninsula dragon	no
Ctenophorus fordi	mallee military dragon	no
Ctenophorus isolepis	central military dragon	no
Ctenophorus ornatus	ornate dragon	no
Ctenophorus reticulatus	western netted dragon	no
Ctenophorus salinarum	claypan dragon	no
Ctenophorus vadnappa	red-barred dragon	no

Authorised by the Parliamentary Counsel

Scientific name	Common name	Dangerous animal
Ctenotus leonhardii	Leonhardi's ctenotus	no
Ctenotus pantherinus	leopard ctenotus	no
Ctenotus saxatilis	rock ctenotus	no
Cyrtodactylus mcdonaldi	McDonald's ring-tailed gecko	no
Cyrtodactylus tuberculatus	ring-tailed gecko	no
Delma impar	striped legless lizard	no
Delma inornata	patternless delma	no
Demansia papuensis	greater black whipsnake	yes
Demansia psammophis	yellow-faced whip snake	no
Demansia vestigiata	lesser black whipsnake	yes
Dendrelaphis calligastra	northern tree snake	no
Denisonia devisi	De Vis' banded snake	no
Denisonia maculata	ornamental snake	no
Diplodactylus ameyi	eastern deserts fat-tailed gecko	no
Diplodactylus barraganae	Gulf fat-tailed gecko	no
Diplodactylus conspicillatus	variable fat-tailed gecko	no
Diplodactylus galeatus	helmeted gecko	no
Diplodactylus granariensis	western stone gecko	no
Diplodactylus laevis	desert fat-tailed gecko	no
Diplodactylus platyurus	eastern fat-tailed gecko	no
Diporiphora bennettii	robust two-line dragon	no
Diporiphora bilineata	two-lined dragon	no

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Scientific name	Common name	Dangerous animal
Diporiphora magna	yellow-sided two-lined dragon	no
Diporiphora winneckei	canegrass dragon	no
Drysdalia coronoides	white-lipped snake	no
Drysdalia rhodogaster	mustard-bellied snake	no
Echiopsis curta	bardick	no
Egernia cygnitos	western Pilbara spiny-tailed skink	no
Egernia depressa	pygmy spiny-tailed skink	no
Egernia eos	central Pilbara spiny-tailed skink	no
Egernia epsisolus	eastern Pilbara spiny-tailed skink	no
Egernia mcpheei	eastern crevice-skink	no
Egernia rugosa	yakka skink	no
Elseya albagula	white-throated snapping turtle	no
Elseya irwini	Irwin's turtle	no
Elseya oneiros	Gulf snapping turtle	no
Emydura subglobosa	painted turtle	no
Emydura tanybaraga	northern yellow-faced turtle	no
Emydura victoriae	northern red-faced turtle	no
Eulamprus tympanum	southern water-skink	no
Furina diadema	red-naped snake	no
Furina ornata	orange-naped snake	no

Authorised by the Parliamentary Counsel

Scientific name	Common name	Dangerous animal
Gehyra montium	Centralian dtella	no
Gehyra robusta	Robust dtella	no
Gnypetoscincus queenslandiae	prickly forest skink	no
Hemiaspis signata	black-bellied swamp snake	no
Hoplocephalus spp.	broad-headed snake (all species)	yes
Karma tryoni	Tryon's skink	no
Leiopython hoserae/albertisii	white-lipped python	no
Lepidodactylus lugubris	mourning gecko	no
Liburnascincus coensis	Coen rainbow-skink	no
Liopholis margaretae	Centralian Ranges rock-skink	no
Liopholis pulchra	south-western rock-skink	no
Liopholis striata	nocturnal desert-skink	no
Lophosaurus boydii	Boyd's forest dragon	no
Lucasium byrnei	gibber gecko	no
Lucasium microplax	southern sandplain gecko	no
Lucasium stenodactylum	northern sandplain gecko	no
Morelia oenpelliensis	Oenpelli rock python	no
Notechis spp.	tiger snake (all species)	yes
Oedura gemmata	dotted velvet gecko	no
Oxyuranus spp.	taipan (all species)	yes
Parasuta flagellum	little whip snake	no

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Scientific name	Common name	Dangerous animal
Parasuta spectabilis	mallee black-headed snake	no
Pogona microlepidota	small-scaled bearded dragon	no
Pseudechis spp.	black snake (all species)	yes
Pseudoferania polylepis	Macleay's water snake	no
Pseudonaja spp.	brown snake (all species)	yes
Pseudothecadactylus cavaticus	western giant cave gecko	no
Pseudothecadactylus lindneri	northern giant cave gecko	no
Rheodytes leukops	Fitzroy River turtle	no
Rhynchoedura ornata	beaked gecko	no
Saltuarius wyberba	granite leaf-tailed gecko	no
Strophurus elderi	jewelled gecko	no
Strophurus spinigerus	soft spiny-tailed gecko	no
Suta suta	myall snake	yes
Tiliqua occipitalis	western blue-tongued lizard	no
Tropidechis carinatus	rough-scaled snake	yes
Tympanocryptis centralis	centralian earless dragon	no
Tympanocryptis cephalus	pebble dragon	no
Tympanocryptis intima	gibber earless dragon	no
Tympanocryptis lineata	lined earless dragon	no
Tympanocryptis tetraporophora	Eyrean earless dragon	no
Uvidicolus sphyrurus	Granite Belt thick-tailed gecko	no

Authorised by the Parliamentary Counsel

Scientific name	Common name	Dangerous animal
Varanus baritji	black-spotted spiny-tailed monitor	no
Varanus brevicauda	short-tailed pygmy monitor	no
Varanus bushi	Bush's monitor	no
Varanus caudolineatus	stripe-tailed monitor	no
Varanus eremius	pygmy desert monitor	no
Varanus giganteus	perentie	no
Varanus glauerti	Kimberley rock monitor	no
Varanus glebopalma	black-palmed monitor	no
Varanus hammersleyensis	southern Pilbara rock monitor	no
Varanus indicus	mangrove monitor	no
Varanus kingorum	long-tailed rock monitor	no
Varanus mitchelli	Mitchell's water monitor	no
Varanus panoptes	yellow-spotted monitor	no
Varanus pilbarensis	northern Pilbara rock monitor	no
Varanus prasinus	emerald monitor	no
Varanus primordius	northern ridge-tailed monitor	no
Varanus rosenbergi	heath monitor	no
Varanus semiremex	rusty monitor	no
Varanus spenceri	Spencer's monitor	no
Varanus varius	lace monitor	no
Vermicella annulata	bandy-bandy	no

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Scientific name	Common name	Dangerous animal
Wollumbinia belli	Bell's turtle	no

Part 4 Farm animals

9 Birds

Scientific name	Common name
Dromaius novaehollandiae	emu

10 Invertebrates

Scientific name	Common name
Cherax robustus	sand yabby
Euastacus spp.	spiny crayfish (all species)
Ornithoptera spp.	birdwing butterfly (all species)
Papilio ulysses	Ulysses butterfly

11 Reptiles

Scientific name	Common name
Crocodylus johnstoni	freshwater crocodile
Crocodylus porosus	estuarine crocodile
Elapidae	a reptile of the family Elapidae

Authorised by the Parliamentary Counsel

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 *Great Barrier Reef Marine Park Regulations 2019* (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 drone—610m (c) for a drone—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.

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.

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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

(iii) if the emu was taken or bred in another State—was lawfully moved into the State; or

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(b) a protected emu that was lawfully taken, kept and used in a place outside the State.

Part 2 Processed products made or derived from relevant protected birds

1 A dried, freeze-dried, skinned, or chemically treated, dead relevant protected bird if—

(a) both of the following were done to the bird under a dealer licence—

(i) the bird was mounted;

(ii) an approved tag was attached to the bird; or

(b) the bird is lawfully moved into the State.

Part 3 Processed products made or derived from relevant protected butterflies

1 A dead relevant protected butterfly if—

(a) either of the following was done to the butterfly under a dealer licence or a farming licence—

(i) the butterfly was mounted;

(ii) the butterfly was placed in resin or a resin-like substance; or

(b) the butterfly is lawfully moved into the State.

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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;

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(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.

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Part 6 Processed products made or derived from relevant protected animals

1 The skinned carcass or meat of a relevant protected animal lawfully obtained by a person from the holder of a dealer licence for the animal 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.

2 The skinned carcass or meat of a relevant protected animal lawfully obtained by the person from a person in another State if—

(a) the animal was lawfully taken, kept and used in the other State; and

(b) the way the carcass or meat is packed complies with any applicable law of the other State; and

(c) the carcass or meat is lawfully moved into the State.

3 The skin of a relevant protected animal if the animal was lawfully taken, kept and used and—

(a) the skin was fully tanned by the holder of a dealer licence or a harvesting licence for the animal; or

(b) the skin was lawfully obtained by a person from a place outside the State and the skin—

(i) was fully tanned by a person who is authorised, under a law of the place, to tan the animal; and

(ii) is lawfully moved into the State.

4 A relevant protected animal if the animal—

(a) was lawfully taken, kept and used; and

(b) has an approved tag lawfully attached to it.

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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.

Part 7 Processed products registered by State museums

1 A product made or derived from a dead protected animal if—

(a) the animal was lawfully taken, kept and used by a State museum; and

(b) the product was catalogued and registered by a State museum under the museum's registration process.

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Schedule 6 Fees

section 357

Part 1 Fees for animal authorities

Division 1 Licences

		Fee units
1	Application for grant, automatic issue, renewal or automatic renewal of a standard licence (ss 235(2)(c), 239(2)(c), 257C(2)(d) and 258(2)(d))	60.20
2	Application for grant, automatic issue, renewal or automatic renewal of a specialised licence (ss 235(2)(c), 239(2)(c), 257C(2)(d) and 258(2)(d))	322.20
3	Application for grant, automatic issue, renewal or automatic renewal of an advanced licence (ss 235(2)(c), 239(2)(c), 257C(2)(d) and 258(2)(d))	694.00
4	Application for grant of a harvesting licence (s 239(2)(c))—	
	(a) for macropods—	
	(i) if the term of the licence is not more than 1 year	81.30
	(ii) if the term of the licence is more than 1 year	242.40
	(b) for scorpions or spiders	352.60
	(c) for other animals	365.30
5	Application for grant of a dealer licence (s 239(2)(c))—	
	(a) for macropods—	
	(i) if the term of the licence is not more than 1 year	736.00
	(ii) if the term of the licence is more than 1 year	2,097.00
	(b) for other animals—	

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		Fee units
	(i) if the term of the licence is not more than 1 month	146.10
	(ii) if the term of the licence is more than 1 month but not more than 1 year	727.00
	(iii) if the term of the licence is more than 1 year	2,082.00
6	Application for grant of an interaction licence (s 239(2)(c))	173.80
7	Application for grant of a farming licence (s 239(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

Division 2 Permits

		Fee units
1	Application for grant of a permit to keep wildlife (s 239(2)(c))	86.00
2	Application for grant of a movement permit (s 239(2)(c))	17.80

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Division 3 Collection authorities

		Fee units
1	Application for grant of a least concern animal collection authority (s 239(2)(c))	109.80
2	Application for grant of a dead animal collection authority (s 239(2)(c))	86.00

Division 4 Fees for amendments

		Fee units
1	Application for a licence type amendment (ss 264C(2)(c) and 265(2)(b))	the difference between— (a) the fee that would apply for the grant, automatic issue, renewal or automatic renewal of the authority before the amendment; and (b) the fee that would apply for the grant, automatic issue, renewal or automatic renewal of the authority after the amendment
2	Application for another amendment of an animal authority for which a fee is payable, other than to change an address, for each amendment (ss 264C(2)(c) and 265(2)(b))	18.95

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Division 5 Fee for replacements

		Fee units
1	Application for the replacement of an animal authority (s 279(3)(b))	nil

Part 2 Fees for approved tags

		Fee units
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
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
3	Supply of a tag for a macropod skin or carcass, for each lot of 50 tags supplied (s 350(1))	50.30
4	Application for approval of a tag (s 350(2)(b))	8.90

Part 3 Fees for sampling or implanting animals

		Fee units
1	Supply of sampling consumables and storage of the sample by an approved scientific institution (ss 366(2)(c) and 374)	nil
2	Supply of approved electromagnetic implant (s 374)	nil

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Part 4 Fees for record books

		Fee units
1	Supply of record book for holder of a dealer licence for macropods purchased (s 343(3))	36.00
2	Supply of a record book for holder of harvesting licence for macropods purchased (s 343(3))	8.65
3	Supply of a record book for another animal authority (s 343(3))—	
	(a) for a book with 20 pages	8.90
	(b) for a book with 50 pages	22.45

Part 5 Fees for movement of animals

		Fee units
1	Supply of a hard copy of a movement advice (s 375)	3.90

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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.

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.

applicant particulars, in relation to an applicant applying for the grant, renewal or amendment of an animal authority, means the following particulars—

(a) the name of the applicant;

(b) the address of the applicant;

(c) the address of the proposed premises;

(d) if the applicant is a corporation—

(i) the applicant's ABN or ACN; and

(ii) the name of the person proposed to be the person in charge for the authority.

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.

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approved electronic record system, for chapter 8, see section 337.

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 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 who holds, or has applied for, an animal authority, 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.

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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.

authority management system means—

(a) in relation to the issuing of an animal authority prescribed for section 143B(1)(a) of the Act—the

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electronic system approved under section 143BA(1) of the Act by the chief executive for that purpose; or

(b) in relation to the renewal or amendment of an animal authority prescribed for section 143B(1)(b) of the Act—the electronic system approved under section 143BA(1) of the Act by the chief executive for that purpose; or

(c) otherwise in relation to an animal authority—the electronic system maintained by the department, and made accessible on the department's website, for generating, sending, receiving, storing or processing electronic communications relating to the authority.

caution zone, for a marine mammal, see section 282.

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.

corresponding authority means an authority, however described, that—

(a) was issued, given or granted to a person under the law of another jurisdiction; and

(b) authorises or authorised the taking, keeping or use of an animal that is or was protected under the law of the other jurisdiction.

dangerous animal see section 21(4).

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

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(b) relates to animals of the same species as the animal, to the extent the code of practice states the way in which—

(i) the animals may be taken, kept or used; or

(ii) a person may interact with the animals.

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.

drone means a device capable of flight—

(a) that is able to be remotely piloted or programmed to autonomously fly a particular route; but

(b) that is not capable of transporting a person.

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

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(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.

existing activities, for chapter 5, part 5, see section 256.

existing licence, for chapter 5, part 5, see section 256.

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export permit means a permit to export issued under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

farm animal see section 21(5).

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.

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.

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.

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*;

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(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

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(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.

intended activities, for chapter 5, part 5, see section 256.

international animal means an animal that is international wildlife.

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

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

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, for chapter 5, part 6, see section 262.

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.

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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.

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

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- 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.

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 Ailan Kastom, 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.

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permitted boat means a boat other than a prohibited vessel.

person in charge, for an animal authority held by a corporation, means the individual in charge of—

(a) the activity to be carried out under the authority; or

(b) the licensed premises for the authority.

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 authority—

(a) for chapter 5, part 1, see section 234(1); and

(b) for chapter 5, part 6, division 2, subdivision 2, see section 264B(1).

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 prescribed by chapter 9 to be payable under the Act.

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—

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(a) a protected animal that is a live mammal; or

(b) a protected animal that is a fertilised egg of a mammal.

prescribed renewable licence, for chapter 5, part 5, division 2, see section 257B(1).

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.

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—

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(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 amendment, for chapter 5, part 6, division 2, subdivision 2, see section 264A.

relevant day—

(a) in relation to an application for an animal authority—means the day the application was made under chapter 5, part 1 or 2; or

(b) for determining whether or not the holder of an animal authority is not, or is no longer, a suitable person to hold the authority—means the day the determination is made.

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.

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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.

renewable licence see section 257.

required declaration, for an application relating to an animal authority made using the authority management system, means a declaration that—

(a) relates to obligations or conditions that apply to the authority under this regulation; and

(b) the applicant is required to make in the authority management system to complete the application.

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 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 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.

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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.

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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

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(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.

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.

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