



Queensland

Nature Conservation Act 1992

Nature Conservation (Protected Areas Management) Regulation 2024

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Queensland

Nature Conservation (Protected Areas Management) Regulation 2024

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Nature Conservation (Protected Areas Management) Regulation 2024

Chapter 1 Introduction

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Nature Conservation (Protected Areas Management) Regulation 2024*.

2 Commencement

This regulation commences on 22 September 2024.

Part 2 Interpretation

Division 1 Definitions and key concepts

3 Dictionary

The dictionary in schedule 10 defines particular words used in this regulation.

4 Meaning of *character* of an area

- (1) In this regulation, the *character*, of an area, means the characteristics of the area that affect the enjoyment or experience of a person using the area for a purpose for which it is normally used.

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- (2) For subsection (1), each of the following characteristics of an area affect the enjoyment or experience of a person using the area—
- (a) the extent to which the natural condition of the area has been, or is likely to be, modified by human activity, including, for example, by—
 - (i) roads or other access routes; or
 - (ii) buildings or other structures; or
 - (iii) litter; or
 - (iv) noise from human activity;
 - (b) the extent to which the person is likely to experience social interaction with other people in the area, having regard to the normal amount of social interaction that would be reasonably expected in the area;
 - (c) the extent of regulation of activities within the area, including, in particular, through signs, regulatory notices and enforcement activities.

5 Meaning of *commercial activity*

- (1) An activity is a *commercial activity* in relation to a protected area if—
- (a) the activity is conducted for gain in, over or adjacent to the area; or
 - (b) the activity is advertising or promoting the use of the area for gain.

Examples—

- 1 the hire or sale of goods or services in a protected area
- 2 a guided tour, scenic flight or cruise in, over or adjacent to a protected area
- 3 commercial photography of a protected area
- 4 advertising a protected area to promote a tour, scenic flight, tourist facility or resort

- (2) However, a *commercial activity* does not include—

- (a) an activity for which the use of a protected area is incidental to, and not integral to, the conducting of the activity; or

Examples for paragraph (a)—

- 1 a scheduled bus service through a protected area that is not a part of a tour
- 2 a trade service provided in a protected area for the chief executive or a person authorised to use the area
- 3 a vehicle towing or repair service provided in a protected area for a visitor to the area

- (b) an exempt media activity.

- (3) In this section—

exempt media activity means either of the following activities—

- (a) filming or photography—
 - (i) that involves no more than 10 persons; and
 - (ii) that does not involve the construction or use of a prescribed structure;
- (b) filming or photography in relation to an event—
 - (i) that is conducted when, or as soon as practicable after, the event happens; and
 - (ii) that is conducted for publishing a report of the event—
 - (A) on television or in a newspaper, magazine or similar publication; and
 - (B) to inform the public about the event; and
 - (iii) that is a type of filming or photography the chief executive has stated is an exempt media activity on the department's website.

6 Meaning of *organised event*

- (1) An *organised event* is an event involving activities, other than commercial activities—
- (a) that includes the organised use of a protected area or part of a protected area; and
 - (b) that is likely—
 - (i) to have a detrimental impact on the area or part; or
 - (ii) to affect the use of the area or part by other people.

Examples of events that may be organised events—

a showcase of historical vehicles, a trail run, training exercises conducted by the Australian Defence Force

- (2) For considering the impact or effect of an event mentioned in subsection (1) under this regulation, regard must be had to the following matters—
- (a) the location of the protected area or part;
 - (b) the number of people, vehicles or resources involved in the event or likely to be in the area or part when the event is conducted;
 - (c) the type of event;
 - (d) the timing of the event;
 - (e) any likely disturbance to the area or part as a result of conducting the event;
 - (f) the extent to which conducting the event may restrict access to the area or part by the general public.
- (3) However, an *organised event* does not include an event involving activities conducted—
- (a) by a community or group of Aboriginal people under Aboriginal tradition in a protected area with which the community or group has a traditional, customary or historical link under Aboriginal tradition; or
 - (b) by a community or group of Torres Strait Islander peoples under Ailan Kastom in a protected area with

which the community or group has a traditional, customary or historical link under Ailan Kastom.

7 *Meaning of **protected area authority***

- (1) A **protected area authority** means any of the following permits for a protected area—
 - (a) a resources permit;
 - (b) an apiary permit;
 - (c) a permit that is an activity permit under subsection (3).
- (2) A **resources permit** is a permit to take, use, keep or interfere with cultural or natural resources of a protected area.
- (3) An **activity permit** is any of the following permits for a protected area—
 - (a) a camping permit;
 - (b) a commercial activity permit;
 - (c) an organised event permit;
 - (d) a permit to enter a national park (scientific);
 - (e) a permit to solicit donations or information;
 - (f) a permit to use recreational craft;
 - (g) a restricted access area permit;
 - (h) a special activity permit;
 - (i) a stock grazing permit;
 - (j) a stock mustering permit;
 - (k) a travelling stock permit.

8 *Meaning of **relevant person***

A **relevant person**, for the holder of a protected area authority, is—

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- (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—an executive officer, employee or agent of the corporation acting for the corporation.

9 Recreational craft—Act, schedule

For the schedule of the Act, definition *recreational craft*, paragraph (c), a land yacht is prescribed to be a recreational craft.

Division 2 Other interpretive provisions

10 References to wildlife

- (1) In this regulation, a reference to a species, category or class of wildlife is a reference to—
 - (a) if the wildlife is an animal—the species, category or class of animal under the *Nature Conservation (Animals) Regulation 2020*; or
 - (b) if the wildlife is a plant—the species or class of plant under the *Nature Conservation (Plants) Regulation 2020*.
- (2) The scientific names used for wildlife mentioned in this regulation follow the scientific references stated—
 - (a) for an animal—in the *Nature Conservation (Animals) Regulation 2020*, section 7; or
 - (b) for a plant—in the *Nature Conservation (Plants) Regulation 2020*, section 8.

11 Measurement of position under regulation

- (1) In this regulation, position is defined by reference to GDA2020.
- (2) In this section—

GDA2020 means the Reference Frame under the *National Measurement (Recognized-Value Standard of Measurement of Position) Determination 2017* (Cwlth) as in force on 1 July 2020.

12 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
 - (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

13 Application to particular areas, animals and plants

- (1) This regulation applies to all protected areas except to the extent a provision of this regulation states that it does or does not apply to a particular class of protected area.

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- (2) However, this regulation does not apply to a private coordinated conservation area except to the extent a provision of this regulation states that it does apply to the area.
- (3) This regulation does not apply to an animal or plant that is not in a protected area.

Note—

See the *Nature Conservation (Animals) Regulation 2020* and the *Nature Conservation (Plants) Regulation 2020* in relation to animals and plants in other areas.

14 Application to particular activities in resources reserve

- (1) This regulation does not apply to the following activities on land in a resources reserve—
 - (a) an activity conducted under a mineral authority or petroleum authority on land covered by the authority;
 - (b) an activity that is camping or fossicking under the *Fossicking Act 1994*.
- (2) In this section—

mineral authority means an exploration permit, mineral development licence, mining claim, mining lease or prospecting permit under the *Mineral Resources Act 1989*.

petroleum authority means the following—

- (a) an authority to prospect or a lease under the *Petroleum Act 1923*;
- (b) an authority to prospect, data acquisition authority, petroleum lease, pipeline licence, survey licence or water monitoring authority under the *Petroleum and Gas (Production and Safety) Act 2004*.

Chapter 2 Management of protected areas

Part 1 Trustees of conservation parks or resources reserves

15 Trustees of particular conservation parks to manage park—Act, s 31

- (1) Each conservation park mentioned in schedule 1, column 1 must be managed by the trustee of the park.

Note—

Conservation parks are dedicated by the *Nature Conservation (Protected Areas) Regulation 1994*, section 5.

- (2) The trustee of the conservation park—
 - (a) is stated in schedule 1, column 2 opposite the park; and
 - (b) has, for the park, the powers of the chief executive stated in schedule 1, column 3 opposite the park.
- (3) For a conservation park mentioned in schedule 1, column 1—
 - (a) the chief executive—
 - (i) is not responsible for managing the park; and
 - (ii) does not have the powers given to the trustee of the park, under subsection (2)(b); and
 - (b) a reference in this regulation to the chief executive is taken to be a reference to the trustee of the park, to the extent the reference applies to—
 - (i) the management of the park generally; or
 - (ii) the trustee's powers under subsection (2)(b).

[s 16]

16 Trustees of particular resources reserves to manage reserve—Act, s 31

- (1) Each resources reserve mentioned in schedule 2, part 1, column 1 must be jointly managed by the joint trustees of the reserve.

Note—

Resources reserves are dedicated by the *Nature Conservation (Protected Areas) Regulation 1994*, section 6.

- (2) The joint trustees of the reserve are stated in schedule 2, part 1, column 2 opposite the reserve.
- (3) Subsection (4) applies to a resources reserve mentioned in schedule 2, part 2, column 1.
- (4) The other joint trustee has, for the reserve, the powers of the chief executive stated in schedule 2, part 2, column 2 opposite the reserve.
- (5) For a resources reserve mentioned in schedule 2, part 1, column 1 a reference in this regulation to the chief executive is taken to include a reference to the other joint trustee, to the extent the reference applies to—
 - (a) the management of the reserve generally; or
 - (b) if the other joint trustee has been given powers of the chief executive under subsection (4)—the other joint trustee’s powers under subsection (4).
- (6) A power that may be exercised by the joint trustees of a resources reserve must be exercised by them acting jointly.
- (7) In this section—

other joint trustee, for a resources reserve mentioned in schedule 2, part 1, column 1 means the joint trustee, other than the chief executive, stated in schedule 2, part 1, column 2 opposite the reserve.

17 Application of fees charged by trustees

- (1) This section applies to—

- (a) a conservation park placed under the management of the trustee of the park under section 15; and
 - (b) a resources reserve placed under the management of the trustee of the reserve under section 16.
- (2) If a trustee of the park or reserve charges a fee in relation to managing the park or reserve, the trustee must use the fee for giving effect to the management principles for the park or reserve.

Part 2 Permitted uses in national parks

18 Permitted uses in national parks—Act, s 35

- (1) For section 35(1)(d) of the Act—
- (a) a use stated in schedule 3, part 1, column 2 is prescribed as a permitted use for the national park stated opposite the use in schedule 3, part 1, column 1 if the use is only for a service facility; and
 - (b) a use stated in schedule 3, part 2, column 2 is prescribed as a permitted use for the national park stated opposite the use in schedule 3, part 2, column 1 if the use is only for an ecotourism facility.
- (2) A reference to a drawing, map or plan in schedule 3 is a reference to the drawing, map or plan held by, and available for inspection from, the department.

19 Permitted uses in national parks under former Act—Act, s 37

- (1) For section 37(2) of the Act, a use stated in schedule 4, column 2 is prescribed as a permitted use for the national park, or part of the national park, under the former Act, stated opposite the use in schedule 4, column 1.

- (2) A reference to a map or plan in schedule 4 is a reference to the map or plan held by, and available for inspection from, the department.

Part 3 Notices and declarations

Division 1 Regulatory notices

Subdivision 1 Notices generally

20 Regulatory notices

- (1) The chief executive may, by displaying a notice, regulate or prohibit an activity in a protected area or part of a protected area if the chief executive considers the regulation or prohibition necessary or desirable—
- (a) to reduce risks to public health and safety; or
 - (b) to conserve or protect the cultural or natural resources of the area or native wildlife; or
 - (c) to protect the character or amenity of the area or part; or
 - (d) to ensure the orderly or proper management of the area.
- (2) Also, the chief executive may, by displaying a notice, regulate or prohibit an activity in a protected area or part of a protected area if another provision of this regulation provides for the activity to be regulated or prohibited by a regulatory notice.
- (3) A notice displayed under subsection (1) or (2) is a ***regulatory notice***.
- (4) This section—
- (a) does not apply in relation to a special wildlife reserve or nature refuge; and
 - (b) is subject to any other requirements of this division.

Note—

See sections 24 and 25 for consultation requirements the chief executive must comply with before displaying a regulatory notice in particular protected areas.

21 Requirements for regulatory notices

- (1) The chief executive must display a regulatory notice near the entrance to the protected area or part of the protected area to which the notice applies.
- (2) The notice must—
 - (a) be easily visible to passers-by; and
 - (b) identify the limits of the area to which the notice applies; and
 - (c) state the activity to which it applies and how the activity is regulated or prohibited.
- (3) Subject to section 22, the notice must expressly state that a contravention of a requirement of the regulatory notice is an offence against the Act and the maximum penalty for the offence.

22 Regulatory information notice

- (1) This section applies if it is not practicable for the chief executive to display a regulatory notice expressly stating a contravention warning for a requirement of the notice near a particular part of a protected area to which the notice applies.
- (2) The chief executive must display, near the entrance to the protected area, another notice (a ***regulatory information notice***) expressly stating the contravention warning.
- (3) The regulatory information notice must be easily visible to passers-by.
- (4) The regulatory information notice may contain other information about the protected area the chief executive considers appropriate.

[s 23]

(5) In this section—

contravention warning, for a requirement of a regulatory notice, means a statement—

- (a) that a contravention of the requirement stated in the notice is an offence against the Act; and
- (b) the penalty for the offence.

23 Display of regulatory notice or regulatory information notice is evidence of particular matters

Evidence that a notice was displayed in the form of a regulatory notice or regulatory information notice near the entrance to a protected area or part of a protected area is evidence the notice was so displayed with the authority of the chief executive.

Subdivision 2 Particular regulatory notices

24 Aboriginal land protected areas

- (1) This section applies if the chief executive proposes to display a regulatory notice in relation to an Aboriginal land protected area, other than a regulatory notice for an activity mentioned in section 20(1)(a).
- (2) The chief executive must comply with any consultation requirement under the Indigenous management agreement for the area.
- (3) In this section—

consultation requirement, under an Indigenous management agreement for an Aboriginal land protected area, means a requirement under the agreement for the chief executive or department to do any of the following—

- (a) give the Indigenous landholder for the area a notice about the proposed display of a regulatory notice;
- (b) allow the landholder to respond to the notice;

- (c) consider the landholder's response, if any;
- (d) seek the landholder's consent for the display of the notice;
- (e) obtain the landholder's consent for the display of the notice.

25 Particular protected areas to which Indigenous land use agreements apply

- (1) This section applies if—
 - (a) the chief executive proposes to display a regulatory notice in relation to a protected area in the Cape York Peninsula Region, other than—
 - (i) a regulatory notice in relation to an Aboriginal land protected area; or
 - (ii) a regulatory notice for an activity mentioned in section 20(1)(a); and
 - (b) there is an Indigenous land use agreement for the area; and
 - (c) there is no Indigenous management agreement for the area.
- (2) The chief executive must comply with any consultation requirement under the Indigenous land use agreement.
- (3) In this section—

consultation requirement, under an Indigenous land use agreement for a protected area, means a requirement under the agreement for the chief executive or department to do any of the following—

 - (a) give a person a notice about the proposed display of a regulatory notice;
 - (b) allow the person to respond to the notice;
 - (c) consider the person's response, if any;
 - (d) seek the person's consent for the display of the notice;

- (e) obtain the person's consent for the display of the notice.

26 Permitted dog-walking in conservation parks and resources reserves

- (1) The chief executive may display a regulatory notice near the entrance to a conservation park or resources reserve stating that dog-walking is permitted in the park or reserve.
- (2) However, the chief executive may display the notice only if the chief executive is satisfied—
 - (a) the area of the conservation park or resources reserve was widely used for dog-walking before the initial dedication of the area under the Act; and
 - (b) that allowing dogs into the conservation park or resources reserve will not result in—
 - (i) any damage to a cultural resource of the park or reserve; or
 - (ii) a significant adverse effect on a natural resource of the park or reserve.
- (3) In this section—
initial dedication, of an area, means the initial dedication of the area as any 1 of the following—
 - (a) a conservation park;
 - (b) a resources reserve;
 - (c) a regional park within the meaning of the Act as in force immediately before 1 July 2016.

Division 2 Camping notices

27 Camping areas

- (1) This section applies in relation to a protected area or part of a protected area, other than a special wildlife reserve or nature refuge.

-
- (2) The chief executive may display a notice (a ***camping notice***) stating the protected area or part is a camping area.
 - (3) The camping notice must be displayed near the entrance to the protected area or part and state the following—
 - (a) the period during which camping is permitted in the camping area, if applicable;
 - (b) the procedures to be followed, in general terms, by a person intending to camp in the camping area;
 - (c) the conditions applying to a person camping in the camping area;
 - (d) the penalty for camping in the camping area without a camping permit.
 - (4) The chief executive may also display another notice near the camping notice stating conditions applying to a person camping in the camping area that are additional to the conditions stated in the camping notice.
 - (5) A notice under subsection (4) is an ***additional conditions notice***.

Division 3 Declarations

Subdivision 1 Declaration of restricted access area

28 Declaration of restricted access area

- (1) The chief executive may declare a protected area or part of a protected area to be a restricted access area by displaying a notice near the entrance to the protected area or part.
- (2) A notice under subsection (1) is a ***restricted access area notice***.

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- (3) The restricted access area notice may prohibit any access to the restricted access area or restrict access to the area in a particular way.

Example of restricting access—

prohibiting access to a restricted access area for part of the year while birds are nesting in the area

- (4) However, the chief executive may act under subsection (1)—
- (a) only for a reason mentioned in section 29; and
 - (b) if section 30 applies—only after the consultation process mentioned in section 30 is completed; and
 - (c) if section 31 or 32 (each a ***declaration consultation provision***) applies—only if the chief executive complies with any consultation requirement mentioned in the relevant declaration consultation provision.
- (5) The restricted access area notice must—
- (a) be easily visible to passers-by; and
 - (b) identify the limits of the restricted access area; and
 - (c) state how access to the area is restricted or prohibited; and
 - (d) state that a contravention of a requirement of the notice is an offence against the Act and the maximum penalty for the offence.
- (6) Also, when the restricted access area notice is displayed, the chief executive may publish on the department’s website information from the notice about how access to the restricted access area is restricted or prohibited.
- (7) If the chief executive is satisfied the reason for making the declaration no longer exists, the chief executive must remove the restricted access area notice as soon as practicable.

29 Reasons for declaring restricted access area

- (1) The chief executive may declare a protected area or part of a protected area to be a restricted access area only if the chief

executive reasonably believes the declaration is necessary or desirable—

- (a) to ensure the health or safety of a person or protect a person's property; or
 - (b) to minimise risk to, or safeguard the health of, a person because of a fire or natural disaster; or
 - (c) to conserve or protect the cultural or natural resources of the protected area or native wildlife, including, for example—
 - (i) to protect significant cultural or natural resources of the area or part; or
 - (ii) to enable the restoration or rehabilitation of the area or part; or
 - (iii) to protect a breeding area for native wildlife; or
 - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or
 - (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Ailan Kastom; or
 - (d) to protect a facility or service in the protected area, including, for example, infrastructure, a water supply facility or power generating equipment; or
 - (e) to protect the character and amenity of the area or an adjacent area; or
 - (f) for the orderly or proper management of the area.
- (2) In this section—

significant Aboriginal area see the *Aboriginal Cultural Heritage Act 2003*, section 9.

significant Torres Strait Islander area see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

30 Consultation with stakeholders about declarations

- (1) This section applies if the nature or extent of activities being conducted, or to be conducted, under an organised event permit, commercial activity permit or commercial activity agreement would be significantly affected by the making of a declaration under section 28.
- (2) However, this section does not apply if the declaration is to be made—
 - (a) to ensure the health or safety of a person or protect a person's property; or
 - (b) to minimise risk to, or safeguard the health of, a person because of a fire or natural disaster; or
 - (c) to conserve or protect the cultural or natural resources of a protected area or native wildlife.
- (3) The chief executive must give the holder of the permit, or the other party to the agreement, a notice stating each of the following—
 - (a) consideration is being given to the making of a declaration under section 28;
 - (b) if the chief executive is also proposing a restrictive act for the permit or agreement for the proposed declaration—that consideration is being given to the proposed restrictive act;
 - (c) that the holder or other party is invited to make written submissions in relation to the proposed declaration or restrictive act.
- (4) The submissions must be made to the chief executive—
 - (a) at an address stated in the notice; and
 - (b) within the period, of at least 20 business days, stated in the notice.
- (5) The chief executive must consider all submissions received in response to the notice.

31 Declarations for Aboriginal land protected areas

- (1) This section applies if the chief executive proposes to declare an Aboriginal land protected area or part of an Aboriginal land protected area to be a restricted access area under section 28(1).
- (2) The chief executive must comply with any consultation requirement under the Indigenous management agreement for the protected area.
- (3) In this section—

consultation requirement, under an Indigenous management agreement for an Aboriginal land protected area, means a requirement under the agreement for the chief executive or department to do any of the following—

- (a) give the Indigenous landholder for the area a notice about a proposed declaration under section 28(1);
- (b) allow the landholder to respond to the notice;
- (c) consider the landholder's response, if any;
- (d) seek the landholder's consent for the declaration;
- (e) obtain the landholder's consent for the declaration.

32 Declarations for particular protected areas to which Indigenous land use agreements apply

- (1) This section applies if—
 - (a) the chief executive proposes to declare a protected area or part of a protected area, other than an Aboriginal land protected area, to be a restricted access area under section 28(1); and
 - (b) the protected area is in the Cape York Peninsula Region; and
 - (c) there is an Indigenous land use agreement for the protected area; and
 - (d) there is no Indigenous management agreement for the protected area.

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- (2) The chief executive must comply with any consultation requirement under the Indigenous land use agreement.
- (3) In this section—
consultation requirement, under an Indigenous land use agreement for a protected area, means a requirement under the agreement for the chief executive or department to do any of the following—
 - (a) give a person a notice about a proposed declaration under section 28(1);
 - (b) allow the person to respond to the notice;
 - (c) consider the person's response, if any;
 - (d) seek the person's consent for the declaration;
 - (e) obtain a person's consent for the declaration.

33 When declarations end

- (1) A declaration made under section 28(1) ends on the day the chief executive removes the restricted access area notice for the area.
- (2) When a restricted access area notice for a restricted access area is removed, the chief executive must—
 - (a) publish a statement on the department's website that the restricted access area notice has been removed; and
 - (b) remove from the department's website information about how access to the area is restricted or prohibited.

Subdivision 2 Declaration of prescribed commercial activity

34 Declaration of prescribed commercial activity

- (1) The chief executive may, by notice published on the department's website, declare a commercial activity to be a prescribed commercial activity for a protected area or part of a

protected area, other than a special wildlife reserve or nature refuge.

- (2) The notice must state the following—
 - (a) that the stated commercial activity is a prescribed commercial activity for the stated protected area or part;
 - (b) that the chief executive may authorise a prescribed commercial activity in the area or part only under a commercial activity agreement;
 - (c) how a person may obtain further information about entering into a commercial activity agreement for conducting the prescribed commercial activity in the area or part.
- (3) In deciding whether to make the declaration, the chief executive must have regard to the following—
 - (a) the object of the Act, including, in particular the conservation of the cultural and natural resources of the protected area or part;
 - (b) the management principles for the area;
 - (c) the interim or declared management intent, or management plan, for the area;
 - (d) the orderly and proper management of the area or part;
 - (e) the existing use, character and amenity, and the future or desirable use, character and amenity, of the area or part and adjacent areas, including the likely cumulative effect of the proposed use and other uses on the area;
 - (f) the likely contributions that potential parties to commercial activity agreements applying to the area or part will make to the management of the area or part, including, for example, contributions to the conservation and presentation of the values of the area or part.
- (4) A commercial activity permit in effect for an activity that subsequently becomes a prescribed commercial activity remains in effect to authorise the activity until the permit ends

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or is amended by the chief executive on the ground mentioned in section 135(a).

Subdivision 3 Declaration of special activity

35 Declaration of special activity

- (1) The chief executive may declare an activity of a type mentioned in subsection (3) to be a special activity for a protected area or part of a protected area by displaying a notice near the entrance to the area or part.
- (2) A notice under subsection (1) is a *special activity notice*.
- (3) Each of the following is a type of activity that may be declared—
 - (a) an activity that will, or is reasonably likely to, have an unusual or significant impact on the cultural or natural resources of the protected area or part;
 - (b) an activity for which special infrastructure, training or supervision is needed before a person can safely engage in the activity;
 - (c) an activity that will, or is reasonably likely to, involve a risk to the public.

Examples of activities that may be declared as special activities—

rock climbing, white water rafting

- (4) However, the chief executive may act under subsection (1) only—
 - (a) for a protected area other than a special wildlife reserve or nature refuge; and
 - (b) if section 36 applies—after the consultation process mentioned in section 36 is completed.
- (5) The special activity notice must—
 - (a) be easily visible to passers-by; and

- (b) identify the limits of the area to which the notice applies; and
 - (c) state the activity that is a special activity for the area; and
 - (d) state that, under section 269, a person may conduct the special activity in the area or part only under—
 - (i) a special activity permit; or
 - (ii) an organised event permit, commercial activity permit or commercial activity agreement specifically authorising the activity.
- (6) When the special activity notice is displayed, the chief executive may also publish on the department's website information from the notice about activities that are special activities for the area.

36 Consultation with stakeholders about declarations

- (1) This section applies if the nature or extent of activities being conducted, or to be conducted, under an organised event permit, commercial activity permit or commercial activity agreement would be significantly affected by the making of a declaration under section 35.
- (2) However, this section does not apply if—
 - (a) the activity is to be declared a special activity for the area or part for the purpose of protecting wildlife or people from potential danger; and
 - (b) it is not practicable for the chief executive to delay the declaration for the reason of complying with this section.
- (3) The chief executive must give the holder of the permit, or the other party to the agreement, a notice stating each of the following—
 - (a) consideration is being given to the making of a declaration under section 35;

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- (b) if the chief executive is also proposing a restrictive act for the permit or agreement—that consideration is being given to the proposed restrictive act;
 - (c) that the holder or other party is invited to make written submissions in relation to the proposed declaration or restrictive act.
- (4) The submissions must be made to the chief executive—
 - (a) at an address stated in the notice; and
 - (b) within the period, of at least 20 business days, stated in the notice.
- (5) The chief executive must consider all written submissions received in response to the notice.

Subdivision 4 Declaration of area closed to the public

37 Declaration of area closed to the public

- (1) This section applies in relation to a protected area other than a special wildlife reserve or nature refuge.
- (2) The chief executive may declare the protected area or a part of the protected area to be closed to the public for a period.
- (3) However, the chief executive may make the declaration only if the chief executive considers the declaration is necessary—
 - (a) to respond to an urgent or temporary circumstance affecting public safety; or
Examples for paragraph (a)—
 - bush fire, rock slide, flooding, maintenance works, dangerous animals nesting
 - (b) to otherwise ensure public health or safety.
- (4) A declaration to respond to a circumstance mentioned in subsection (3)(a) may be made by publishing the declaration on the department's website.

- (5) Otherwise, a declaration may be made only by displaying a regulatory notice near the entrance to the area or part.

Part 4 Other activities in protected areas

Division 1 Taking fish, invertebrates and mud crabs in protected areas

38 Prescribed places—Act, s 62

- (1) This section prescribes parts of national parks for the Act, section 62(4)(a), (b) and (c) and section 62(7), definition *prescribed place*.
- (2) Each part of a national park stated in schedule 5, column 2, opposite the national park stated in schedule 5, column 1, is prescribed.

39 Condition for taking particular animals in prescribed places—Act, s 62

- (1) For section 62(4) of the Act, the conditions prescribed for taking a permitted animal are—
- (a) the taking must comply with any regulatory notice applying to the prescribed place in which the taking happens; and
- (b) if the *Fisheries Act 1994* applies to the animal—the taking must be carried out in a way that complies with, or is not prohibited by, that Act.
- (2) In this section—
- permitted animal* means an animal mentioned in section 62(4) of the Act, other than an animal not authorised to be taken under section 62(5) of the Act.

40 Prescribed invertebrates—Act, s 62

For section 62(5)(c) of the Act, each species of the genus *Euastacus* (freshwater spiny crays) is prescribed.

41 Authority for taking particular animals in conservation parks and resources reserves

- (1) A person may take a permitted animal in a conservation park or resources reserve only as follows—
 - (a) the taking must comply with any regulatory notice applying to the park or reserve, or part of the park or reserve, in which the taking happens;
 - (b) if the *Fisheries Act 1994* applies to the animal—the taking must be carried out in a way that complies with, or is not prohibited by, that Act;
 - (c) if the animal is a mud crab—the taking must be for a purpose other than for use as bait;
 - (d) if the animal is another invertebrate animal—the taking must be for use as bait to take a permitted fish.

- (2) In this section—

permitted fish means a permitted animal that is a fish.

permitted animal means any of the following animals—

- (a) a fish other than a fish prescribed as threatened or near threatened wildlife;
- (b) a mud crab;
- (c) another invertebrate animal, other than—
 - (i) an invertebrate animal prescribed as threatened or near threatened wildlife; or
 - (ii) a species of the genus *Euastacus* (freshwater spiny cray).

Division 2 Apiary areas and apiary permits for national parks

42 Apiary areas—Act, s 36A

- (1) For section 36A(2)(a) of the Act, an area stated in schedule 6, column 2, within the national park stated opposite the area in schedule 6, column 1, is prescribed as an apiary area for the national park.
- (2) A reference in schedule 6 to a former forest reserve is a reference to the area that was dedicated as the forest reserve before the area became dedicated as a national park, as shown on a map or plan held by, and available for inspection from, the department.

43 Requirement for apiary permits—Act, s 36A

- (1) For section 36A(2)(b) of the Act, this section prescribes a requirement for granting an apiary permit for an apiary area in a national park.
- (2) The chief executive must not grant an apiary permit for an apiary area if, because of the grant, beekeeping would be authorised in relation to more than the number of apiary sites stated in schedule 6, column 3 opposite the apiary area.

Division 3 Mustering stock

44 Conducting general muster

- (1) This section applies in relation to a protected area other than a special wildlife reserve or nature refuge.
- (2) The chief executive may conduct a general muster of stock on the protected area if the chief executive—
 - (a) reasonably believes it is necessary for the management of the area; and

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- (b) gives each relevant landholder for the area a notice stating the chief executive intends to conduct the muster on a stated day.
- (3) The notice must be given at least 5 business days before the stated day.
- (4) A relevant landholder for the protected area may be present at and take part in the muster.
- (5) The chief executive may ask the person the chief executive reasonably believes is the owner of stock found on the protected area during the muster to remove the stock from the area.

Note—

See also section 154E of the Act.

- (6) In this section—
relevant landholder, for a protected area, means a landholder of land adjoining the area.

Division 4 Queensland Herbarium

45 Taking etc. cultural or natural resources

- (1) A person employed or engaged by the Queensland Herbarium may take, use, keep or interfere with a natural resource of a protected area if—
 - (a) the taking, use, keeping or interfering is for performing a function for which the Queensland Herbarium is established; and
 - (b) the person notifies the chief executive in the approved form at least 7 days before taking, using, keeping or interfering with the natural resource.
- (2) In this section—

Queensland Herbarium means the part of the department known as the ‘Queensland Herbarium’.

Chapter 3 Cultural or natural resource authorities

Part 1 Preliminary

46 Purpose of chapter

This chapter—

- (a) authorises persons to take, use, keep or interfere with the cultural or natural resources of particular protected areas in particular circumstances; and
- (b) provides for additional matters the chief executive must consider for the grant of resources permits or apiary permits; and
- (c) provides for restrictions on the grant of those permits by the chief executive.

Notes—

- 1 See chapter 5 about other restrictions and matters the chief executive must consider when deciding applications for all protected area authorities.
- 2 See also section 137 of the Act about the requirement for particular licences, permits or other authorities to be consistent with management principles and particular management instruments.

Part 2 General provisions

Division 1 Grant

47 Grant of permits or authorities

The chief executive may grant a resources permit or an apiary permit for a protected area after considering the matters provided for under this chapter and chapter 5.

Division 2 Restrictions on grant for particular protected areas

48 Restriction on grant for Aboriginal land protected areas

- (1) The chief executive may grant a protected area authority to a person for an Aboriginal land protected area only if the chief executive complies with any consultation requirement under an Indigenous management agreement for the area.
- (2) In this section—
consultation requirement, under an Indigenous management agreement for an Aboriginal land protected area, means a requirement under the agreement for the chief executive or department to do any of the following things—
 - (a) give the Indigenous landholder for the area a notice about an application for a protected area authority for the area;
 - (b) allow the landholder to respond to the notice;
 - (c) consider the landholder's response, if any;
 - (d) seek the landholder's consent for the grant of the authority;
 - (e) obtain the landholder's consent for the grant of the authority.

49 Restriction on grant for particular protected areas in Cape York Peninsula Region

- (1) This section applies in relation to the grant of a protected area authority for a protected area if—
 - (a) the area is in the Cape York Peninsula Region; and
 - (b) there is an Indigenous land use agreement for the area; and
 - (c) there is no Indigenous management agreement for the area.

- (2) The chief executive may grant the protected area authority only if the chief executive complies with any consultation requirement under the Indigenous land use agreement.
- (3) In this section—

consultation requirement, under an Indigenous land use agreement for a protected area, means a requirement under the agreement for the chief executive or department to do any of the following things—

- (a) give a person a notice about an application for a protected area authority for the area;
- (b) allow the person to respond to the notice;
- (c) consider the person's response, if any;
- (d) seek the person's consent for the grant of the authority;
- (e) obtain the person's consent for the grant of the authority.

Part 3 Resources permits

Division 1 Restrictions on grant of resources permits

Subdivision 1 Restrictions for all resources permits

50 Restriction on grant about insurance

- (1) The chief executive may grant a resources permit to a person only if the chief executive considers there is adequate insurance cover for the activities proposed to be conducted under the permit.
- (2) However, subsection (1) does not apply if the chief executive considers insurance cover is not required having regard to the

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nature of the activities, including whether insurance is commonly available for the activities.

51 Restriction about protected area for grant of permit for quarry material

The chief executive may grant a resources permit authorising the removal of quarry material only for a resources reserve.

Subdivision 2 Restrictions for resources permit for plant parts

52 Definition for subdivision

In this subdivision—

permitted plant part means the following parts of a plant—

- (a) a seed or other propagative material;
- (b) foliage, a flower or an inflorescence.

53 Restriction on grant for plant parts

- (1) The chief executive may grant a resources permit authorising the taking of a plant only—
 - (a) for a permitted plant part from a least concern plant from—
 - (i) a special management area (controlled action); or
 - (ii) a conservation park; or
 - (iii) a resources reserve; or
 - (iv) a nature refuge; or
 - (b) if the permit is for conservation purposes—for a seed or other propagative material from any plant for a protected area, other than a national park (scientific); or

- (c) if the permit is for scientific purposes—for a permitted plant part from any plant for a protected area, other than a national park (scientific).

Note—

See also subdivision 3 and 5 for additional restrictions in relation to conservation and scientific purposes.

- (2) The chief executive may grant under subsection (1)(a)(i) only if the taking is a prescribed activity allowed in the special management area (controlled action) under section 42A of the Act.
- (3) The chief executive may grant under subsection (1)(b) or (c) only if the chief executive is satisfied the proposed taking, use, keeping or interfering with the permitted plant is likely to result in a gain for conservation of the species of plant for which the permit is to be granted.

Subdivision 3 Restrictions for resources permit for conservation purposes

54 General restriction on grant of permit

The chief executive may grant a resources permit for conservation purposes for a cultural or natural resource of a protected area only if the chief executive is satisfied—

- (a) the proposed taking, use or keeping of, or interference with, the resource is ecologically sustainable; and
- (b) if the resource is a cultural resource of significance to an interested group in relation to the protected area from which the resource is to be taken—the proposed taking, use or keeping of, or interference with, the resource has appropriate regard to the wishes of the interested group.

55 Restriction about purposes for which permit may be granted

The chief executive may grant a resources permit for conservation purposes for a cultural or natural resource of a protected area only if the chief executive is satisfied—

- (a) the conservation purpose for which the resource is proposed to be taken, used, kept or interfered with under the permit is a genuine conservation purpose; and
- (b) the conservation purpose can only reasonably be conducted in the protected area or part of the protected area for which the permit is to be granted.

56 Restriction about persons to whom permit may be granted

- (1) The chief executive must not grant a resources permit for conservation purposes to an individual.
- (2) The chief executive may grant a resources permit for conservation purposes to a corporation only if the chief executive is satisfied—
 - (a) the corporation has an established reputation in a relevant field of conservation research; and
 - (b) the person who will be supervising the taking, using, keeping or interference under the permit has demonstrated experience or knowledge in a relevant field of conservation research; and
 - (c) the taking, using, keeping or interference to be conducted under the permit is not for commercial gain by the corporation.

Subdivision 4 Restrictions for resources permit for educational purposes

57 General restriction on grant of permit

The chief executive may grant a resources permit for educational purposes for a cultural or natural resource of a protected area only if the chief executive is satisfied—

- (a) the proposed taking, use or keeping of, or interference with, the resource is ecologically sustainable; and
- (b) if the resource is a cultural resource of significance to an interested group in relation to the protected area from which the resource is to be taken—the proposed taking, use or keeping of, or interference with, the resource has appropriate regard to the wishes of the interested group.

58 Restriction about purposes for which permit may be granted

The chief executive may grant a resources permit for educational purposes for a cultural or natural resource of a protected area only if the chief executive is satisfied—

- (a) the educational purpose for which the resource is proposed to be taken, used, kept or interfered with under the permit is a genuine educational purpose; and
- (b) the educational purpose can only reasonably be conducted in the protected area or part of the protected area for which the permit is to be granted.

59 Restriction about persons to whom permit may be granted

- (1) The chief executive may grant a resources permit for educational purposes for a cultural or natural resource of a protected area to an individual only if the chief executive is satisfied—

- (a) the individual—

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- (i) holds a tertiary qualification relevant to the activities to be conducted under the permit; or
 - (ii) has demonstrated experience and knowledge in relation to the activities to be conducted under the permit; and
 - (b) if the permit is to authorise the individual to keep live animals—the individual has experience in the care and husbandry of the species of animals for which the permit is to be granted.
- (2) The chief executive may grant a resources permit for educational purposes to a corporation only if the corporation is an educational institution or organisation.

Subdivision 5 Restrictions for resources permit for scientific purposes

60 General restriction on grant of permit

The chief executive may grant a resources permit for scientific purposes for a cultural or natural resource of a protected area only if—

- (a) the proposed taking, use or keeping of, or interference with, the resource is ecologically sustainable; and
- (b) if the resource is a cultural resource of significance to an interested group in relation to the protected area from which the resource is to be taken—the proposed taking, use or keeping of, or interference with, the resource has appropriate regard to the wishes of the interested group.

61 Restriction about purposes for which permit may be granted

The chief executive may grant a resources permit for scientific purposes for a cultural or natural resource of a protected area only if the chief executive is satisfied—

- (a) the scientific purpose for which the resource is to be taken, used, kept or interfered with is a genuine scientific purpose; and
- (b) the scientific purpose can only reasonably be conducted in the protected area or part of the protected area for which the permit is to be granted.

62 Restriction about persons to whom permit may be granted

- (1) The chief executive may grant a resources permit for scientific purposes for a cultural or natural resource of a protected area to an individual only if the chief executive—
 - (a) is satisfied—
 - (i) the individual is associated with a separate entity that is involved in scientific research; and
 - (ii) the way the scientific purpose, for which the permit is to be granted, is to be achieved is consistent with the requirements of the entity; and
 - (iii) the application for the permit is supported by the person responsible for the management or control of the entity; or
 - (b) is satisfied the individual is receiving, or has completed, postgraduate training in scientific research relevant to the activities to be conducted under the permit; or
 - (c) is satisfied the individual has achieved a satisfactory level of competence in scientific research relevant to the activities to be conducted under the permit; or
 - (d) is satisfied the individual has an established reputation in the field of scientific research relevant to the activities to be conducted under the permit.
- (2) The chief executive may grant a resources permit for scientific purposes for a cultural or natural resource of a protected area to a corporation only if the chief executive is satisfied—

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- (a) 1 or more of the executive officers or employees of the corporation have achieved a satisfactory level of competence in scientific research relevant to the activities to be conducted under the permit; or
- (b) the corporation has an established reputation in the field of scientific research relevant to the activities to be conducted under the permit.

Subdivision 6 Restrictions for special wildlife reserves and nature refuges

63 Restrictions on grant

- (1) The chief executive may grant a resources permit for a special wildlife reserve only if the permit is granted for a conservation, educational or scientific purpose for a cultural or natural resource of the reserve.
- (2) The chief executive may grant a resources permit for a special wildlife reserve or nature refuge only with the consent of the landholder of the land in the reserve or refuge.

Division 2 Activities authorised by resources permits

64 Taking, using, keeping and interfering with particular resources authorised

A resources permit authorises the holder of the permit, or a relevant person for the holder, to take, use, keep and interfere with the cultural or natural resources stated in the permit of the stated protected area or part of a protected area.

65 Access to particular areas authorised by resources permits

- (1) If a resources permit specifically states entry into a stated restricted access area is authorised, the holder of the permit, or a relevant person for the holder, is authorised to enter and remain in the area.
- (2) However, a resources permit does not authorise the holder of the permit, or a relevant person for the holder, to enter or remain in an area closed to the public.

Division 3 Conditions of particular resources permit

66 Royalty payable for quarry material

- (1) The holder of a resources permit authorising the removal of quarry material from a resources reserve must pay the State 2.85 fee units for each cubic metre of quarry material removed from the reserve.
- (2) The royalty is payable—
 - (a) if the permit is granted for a stated amount of quarry material to be removed under the permit—in total when the permit is granted; or
 - (b) otherwise—monthly, at the end of each month during which quarry material is removed under the permit.
- (3) However, the chief executive may exempt a government entity or a local government from paying the whole or part of the royalty payable under this section if the chief executive considers it is appropriate having regard to each of the following—
 - (a) the purpose for which the reserve was declared to be a resources reserve;
 - (b) whether the material is to be used for a public purpose;

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- (c) whether there is another source for the material that is not in a protected area;
 - (d) if there is another source for the material that is not in a protected area—the costs involved in obtaining the material from the other source relative to the costs involved in obtaining the material from the resources reserve.
- (4) A royalty payable under this section is a debt due to the State.
- (5) In this section—
government entity see the *Public Sector Act 2022*, section 276.

Part 4 Apiary permits

Division 1 Additional restrictions on grant of apiary permit

67 Restriction about protected areas for grant of permit

The chief executive may grant an apiary permit only for—

- (a) an apiary area in a national park; or
- (b) a conservation park; or
- (c) a resources reserve.

Note—

See also chapter 2, part 4, division 2, in relation to apiary permits for national parks.

68 Restrictions about apiary sites for grant of permit

- (1) The chief executive may grant an apiary permit for an apiary area, conservation park or resources reserve only if—
 - (a) the permit relates to a site in the area, park or reserve on which beehives for beekeeping under the permit may be

placed and maintained by the holder of the permit, or a relevant person for the holder; and

- (b) the area of the site is no more than 600m².
- (2) A site mentioned in subsection (1) is an *apiary site*.

69 Restriction about number of beehives

The chief executive can not grant an apiary permit allowing more than 150 beehives for an apiary site.

70 Restriction on grant about insurance

- (1) The chief executive may grant an apiary permit to a person only if the chief executive considers there is adequate insurance cover for the activities proposed to be conducted under the permit.
- (2) However, subsection (1) does not apply if the chief executive considers insurance cover is not required having regard to the nature of the activities, including whether insurance is commonly available for the activities.

Division 2 Activities authorised by apiary permit

71 Taking, using, keeping and interfering with particular resources for apiary authorised

An *apiary permit* is a permit that authorises the holder of the permit, or a relevant person for the holder, to take, use, keep and interfere with the cultural or natural resources of the protected area or part of a protected area stated in the permit only for the purpose of operating an apiary.

72 Access to particular areas authorised by apiary permits

- (1) If an apiary permit specifically states entry into a stated restricted access area is authorised, the holder of the permit, or a relevant person for the holder, is authorised to enter and remain in the restricted access area.
- (2) However, an apiary permit does not authorise the holder of the permit, or a relevant person for the holder, to enter or remain in an area closed to the public.

Part 5 Permission for controlling activities

73 Controlling activity

- (1) The chief executive may give a person a written permission to conduct an activity the chief executive considers to be reasonable and necessary to significantly reduce the population of, or eradicate, wildlife that is not native wildlife in a protected area (a *controlling activity*).
- (2) However, if the protected area is a special wildlife reserve or nature refuge, the chief executive may give the permission only with the consent of the landholder of the land in the reserve or refuge.
- (3) The permission must state—
 - (a) how, where and when the controlling activity may be conducted; and
 - (b) the conditions of the permission.
- (4) Without limiting the conditions the chief executive may impose on the permission, the chief executive may impose conditions about any of the following matters—
 - (a) taking out public liability insurance for the controlling activity;
 - (b) dealing with wildlife taken under the permission;
 - (c) reporting to the chief executive.

- (5) A permission given under this section authorises the person to whom it is given to take, use, keep or interfere with the cultural or natural resources of the protected area stated in the permission, for conducting the controlling activity stated in the permission.

Chapter 4 Activity permits

Part 1 General provisions

Division 1 Preliminary

74 Purpose of chapter

This chapter—

- (a) authorises persons to conduct particular activities for accessing or using particular protected areas; and
- (b) provides for additional matters the chief executive must consider for the grant of activity permits; and
- (c) provides for restrictions on the grant of activity permits by the chief executive; and
- (d) states requirements for keeping records and returns of operation for particular commercial activity and organised event permits.

Note—

See chapter 5 about other restrictions and matters the chief executive must consider when deciding applications for all protected area authorities.

Division 2 Grant

75 Grant of permits

The chief executive may grant an activity permit for a protected area after considering the matters provided for under this chapter and chapter 5.

Division 3 Restrictions on grant

76 Permit must be consistent with management principles, intent or plan or conservation agreement

The chief executive may not grant an activity permit for a protected area that is inconsistent with—

- (a) the management principles for the area; and
- (b) any of the following for the area—
 - (i) the interim or declared management intent;
 - (ii) the management plan;
 - (iii) the conservation agreement.

Note—

See also section 137 of the Act in relation to similar restrictions on issuing or giving a licence, permit or authority to take, use, keep or interfere with cultural or natural resource of a protected area.

77 Restriction on grant about insurance

- (1) This section applies in relation to an activity permit other than—
 - (a) a camping permit; or
 - (b) a permit to solicit donations or information.
- (2) The chief executive may grant the activity permit to a person only if the chief executive considers there is adequate

insurance cover for the activities proposed to be conducted under the permit.

- (3) However, subsection (2) does not apply if the chief executive considers insurance cover is not required having regard to the nature of the activities under the activity permit, including whether insurance is commonly available for the activities.

78 Restrictions on grant for special wildlife reserve

- (1) The only types of activity permit the chief executive may grant for a special wildlife reserve are the following—
 - (a) a restricted access area permit;
 - (b) a stock mustering permit;
 - (c) a travelling stock permit.
- (2) The chief executive may grant an activity permit mentioned in this section only with the consent of the landholder of the land in the special wildlife reserve.

79 Restrictions on grant for nature refuge

- (1) The only type of activity permit the chief executive may grant for a nature refuge is a restricted access area permit.
- (2) The chief executive may grant a restricted access area permit only with the consent of the landholder of the land in the nature refuge.

Division 4 Activities authorised

80 Access to restricted area authorised under particular permits

- (1) If a prescribed activity permit specifically states entry into a stated restricted access area is authorised, the holder of the permit, or a relevant person for the holder, is authorised to enter and remain in the restricted access area.

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(2) In this section—

prescribed activity permit means—

- (a) a stock grazing permit; or
- (b) a stock mustering permit; or
- (c) a permit to enter a national park (scientific); or
- (d) a commercial activity permit; or
- (e) an organised event permit.

81 Access to area closed to the public not authorised

- (1) An activity permit does not authorise the holder of the permit, or a relevant person for the holder, to enter or remain in an area closed to the public.
- (2) For subsection (1), a person camping under a camping permit, other than the holder of the permit, is taken to be a relevant person for the holder.

Part 2 Camping permits

82 Activities authorised by camping permit

A *camping permit* is a permit that authorises the holder of the permit, together with the number of persons stated in the permit, to camp in the protected area or camping area for the period stated in the permit.

Part 3 Stock-related permits

Division 1 Stock grazing permits

83 Restrictions on grant of stock grazing permit

- (1) The chief executive may grant a stock grazing permit for only—
 - (a) a special management area (controlled action); or
 - (b) a conservation park; or
 - (c) a resources reserve.
- (2) However, the chief executive may grant a stock grazing permit for a special management area (controlled action) only for a prescribed activity stated in the notice declaring the area under section 42A of the Act.

84 Activities authorised by stock grazing permit

A *stock grazing permit* is a permit that authorises the holder of the permit, or a relevant person for the holder, to graze stock in the protected area or part of a protected area stated in the permit.

85 Condition of stock grazing permit

The holder of a stock grazing permit must pay the permit fee payable under chapter 8 for the permit on each anniversary of the first day of the term of the permit.

Division 2 Stock mustering permits

86 Activities authorised by stock mustering permit

A *stock mustering permit* is a permit that authorises the holder of the permit, or a relevant person for the holder, to

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muster stock in the protected area or part of a protected area stated in the permit.

87 Conditions of stock mustering permit

- (1) This section applies if the chief executive has—
 - (a) stated in a stock mustering permit that the holder of the permit may use a horse, a stated breed of dog or a stated type of vehicle for mustering stock under the permit; or
 - (b) given the holder of a stock mustering permit a notice stating the holder may use a horse, a stated breed of dog or a stated type of vehicle for mustering stock under the permit.
- (2) The permit authorises the holder, or a relevant person for the holder, to use a horse, a dog of the stated breed or a vehicle of the stated type for mustering stock under the permit.

Division 3 Travelling stock permits

88 Restrictions on grant of travelling stock permit

The chief executive may not grant a travelling stock permit for a national park (scientific) or nature refuge.

Note—

See also section 78 about granting a travelling stock permit on a special wildlife reserve.

89 Activities authorised by travelling stock permit

A *travelling stock permit* is a permit that authorises the holder of the permit, or a relevant person for the holder, to travel stock in the protected area or part of a protected area stated in the permit.

Part 4 Other activity permits

Division 1 Restricted access area permits

90 Activities authorised by restricted access area permit

A *restricted access area permit* is a permit that authorises the holder of the permit, or a relevant person for the holder, to enter and remain in the restricted access area stated in the permit for the purpose stated in the permit.

Example of a purpose that may be stated in the permit—
conducting scientific research

Division 2 Commercial activity permits

91 Restriction on grant for prescribed commercial activities

The chief executive must not grant a commercial activity permit for a protected area or part of a protected area if the activity to which the proposed permit relates is a prescribed commercial activity for the area or part.

Note—

See section 135(a) for amending a protected area authority when a prescribed commercial activity is declared.

92 Activities authorised by commercial activity permit

A *commercial activity permit* is a permit that authorises the holder of the permit, or a relevant person for the holder, to conduct the commercial activity stated in the permit in the stated protected area or part of a protected area.

Division 3 Other permits

93 **Activities authorised by national park (scientific) permit**

A *permit to enter a national park (scientific)* is a permit that authorises the holder of the permit, or a relevant person for the holder, to enter the national park (scientific) stated in the permit for the stated purpose.

Example of a purpose that may be stated in the permit—

entry to operate a scientific research station, entry to film a nature documentary

94 **Activities authorised by permit to solicit donations or information**

A *permit to solicit donations or information* is a permit that authorises the holder of the permit, or a relevant person for the holder, to solicit the donations or information as stated in the permit in the stated protected area or part of a protected area.

95 **Activities authorised by organised event permit**

An *organised event permit* is a permit that authorises the holder of the permit, or a relevant person for the holder, to conduct the organised event stated in the permit in the stated protected area or part of a protected area.

96 **Activities authorised by permit to use recreational craft**

A *permit to use recreational craft* is a permit that authorises the holder of the permit, or a relevant person for the holder, to use the recreational craft stated in the permit in the stated protected area or part of a protected area.

97 **Activities authorised by special activity permit**

A *special activity permit* is a permit that authorises the holder of the permit, or a relevant person for the holder, to conduct

the special activity stated in the permit in the stated protected area or part of a protected area.

Part 5

Record-keeping requirements for particular commercial activity and organised event permits

Division 1

Application

98 Application of part

This part applies in relation to the following activity permits (each a *recorded activity permit*)—

- (a) a commercial activity permit, other than for filming or photography;
- (b) an organised event permit if—
 - (i) camping is authorised under the permit; or
 - (ii) the permit allows for special access to the protected area or part of the protected area the subject of the permit for conducting an activity authorised under the permit; or
 - (iii) the permit provides for special supervision of an activity authorised under the permit; or
 - (iv) the permit allows for the protected area or part of the protected area the subject of the permit to be reserved for the purposes of an activity authorised under the permit.

Division 2 Records

99 Making and keeping records of activities

- (1) The holder of a recorded activity permit must record the following information about each relevant activity conducted under the permit—
 - (a) a description of the activity;
 - (b) the sites visited or used for conducting the activity;
 - (c) the number of persons who took part in the activity;
 - (d) if the activity is a vehicle-based activity conducted under an organised event permit—the number of vehicles used for the activity;
 - (e) if the activity is camping—the number of persons camping under the permit.

Maximum penalty—120 penalty units.

- (2) The holder must record the information mentioned in subsection (1) electronically on the day the relevant activity is conducted.

Maximum penalty—120 penalty units.

- (3) The holder must make the record—
 - (a) in an electronic system controlled by the holder; or
 - (b) by using the departmental system.

Maximum penalty—120 penalty units.

- (4) However, if the departmental system is not accessible on the day mentioned in subsection (2), the holder must—
 - (a) record the information in another form on the day; and
 - (b) enter the information into the system within 24 hours after the holder becomes aware the system is accessible.

100 Requirements for holder's electronic system

- (1) This section applies if the holder of a recorded activity permit makes a record under section 99 in an electronic system other than the departmental system.
- (2) The holder must ensure the record is—
 - (a) kept on the system in a retrievable and legible form; and
 - (b) kept securely on the system in a way that can not be altered, obscured, deleted or removed without detection.

Example for paragraph (b)—

a record is kept in an electronic system that is accessible only by using a password

Maximum penalty—120 penalty units.

- (3) The holder must ensure the record is kept on the system for at least 2 years after the holder, or a relevant person for the holder, stops carrying out activities under the recorded activity permit.

Maximum penalty—120 penalty units.

- (4) If asked by a conservation officer, the holder must produce a record from the system for inspection by the officer, unless the holder has a reasonable excuse.

Maximum penalty—120 penalty units.

Division 3 Returns of operations

101 Giving returns

- (1) The holder of a recorded activity permit must, by using the departmental system, give the chief executive a return of operations for the permit—
 - (a) for each prescribed period for the permit; and
 - (b) within 20 business days after each prescribed period for the permit ends.

Maximum penalty—120 penalty units.

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- (2) Subsection (1) applies even if no activities were conducted under the recorded activity permit or the permit ended during the prescribed period.
- (3) In this section—
prescribed period, for a recorded activity permit, means—
 - (a) if the chief executive gives the holder of the permit a notice stating each prescribed period for the permit—each stated period; or
 - (b) otherwise—each quarter of a financial year starting at the beginning of the first quarter after the permit is granted.

102 Payment of activity fees for returns

- (1) This section applies in relation to each return of operations given to the chief executive under section 101 by the holder of a recorded activity permit.
- (2) If the holder requests an invoice for the return, the chief executive must give the holder an invoice stating—
 - (a) the activity fees for the return; and
 - (b) a period of at least 7 days after the holder is given the invoice, within which the fees must be paid in the way stated.
- (3) The holder must pay the chief executive—
 - (a) if the holder has requested an invoice for the return—the activity fees for the return stated in the invoice within the period, and in the way, stated in the invoice; or
 - (b) otherwise—the activity fees for the return stated on the departmental system in the way stated on the system.

Maximum penalty—120 penalty units.

- (4) In this section—
activity fees, in relation to a return of operations, means any additional daily fee and camping fee payable under the Act for the period to which the return relates.

Division 4 Other requirements for records and returns

103 Notice of incidents affecting holder's records

- (1) This section applies if—
 - (a) the holder of a recorded activity permit keeps a record in an electronic system other than the departmental system; and
 - (b) the record is stolen, lost, destroyed or damaged (the *incident*).
- (2) Within 24 hours after becoming aware of the incident, the holder must give the chief executive a notice stating the incident has occurred, unless the holder has a reasonable excuse.

Maximum penalty—120 penalty units.

- (3) Subsection (4) applies if a relevant person keeps the record for the holder.
- (4) Within 24 hours after becoming aware of the incident, the relevant person must notify the holder of the incident, unless the person has a reasonable excuse.

Maximum penalty—40 penalty units.

104 Tampering with records

A person must not remove or modify an entry in a record kept under this part, unless the person has a reasonable excuse.

Example of a reasonable excuse—

 a person fixes a mistake in a record

Maximum penalty—120 penalty units.

Chapter 5 Deciding and dealing with protected area authorities

Part 1 Suitability

Division 1 Preliminary

105 Purpose of part

The purpose of this part is to—

- (a) prevent a protected area authority being held by a person who is not a suitable person; and
- (b) state when a person is not a suitable person to hold a protected area authority.

106 Definitions for part

In this part—

associate, of a person whose suitability to hold a protected area authority is being considered, means—

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

relevant day, for a person, means—

- (a) for deciding whether or not the person is a suitable person to hold a protected area authority—the day the person made the application for the authority under division 2; or
- (b) for deciding whether or not the holder of a protected area authority is not, or is no longer, a suitable person to hold the authority—the day the decision is made.

Division 2 When a person is not suitable

107 Restriction on grant for suitability

The chief executive must not grant or transfer a protected area authority to an applicant who is not a suitable person to hold the authority.

108 Suitability based on convictions

- (1) A person is not a suitable person to hold a protected area authority if—
 - (a) the person, or an associate of the person, has, within 3 years before the relevant day, been convicted of—
 - (i) an offence against the Act; or
 - (ii) an animal welfare offence under the *Animal Care and Protection Act 2001*; or
 - (iii) an offence under another Act relating to wildlife; or
 - (iv) an offence against the *Recreation Areas Management Act 2006* relating to a recreation area; or
 - (v) an offence against the *Forestry Act 1959* relating to a State forest or timber reserve; or

- (vi) an offence against the *Marine Parks Act 2004* relating to a marine park; or
- (vii) an offence, however described, equivalent to an offence mentioned in any of subparagraphs (i) to (vi) 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 conducted 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 a cultural or natural resource of a protected area applies for a protected area authority for taking cultural or natural resources of a protected area.
 - 2 A person convicted of an offence against section 88 of the Act for taking a protected animal applies for a protected area authority for taking an animal that is a natural resource of a protected area.
- (2) Subsection (1) does not apply to an offence only because the person has been given an infringement notice for the offence under the *State Penalties Enforcement Act 1999*.

109 Suitability based on demerit points etc.

A person is not a suitable person to hold a protected area authority if the person, or an associate of the person—

- (a) has accumulated 10 or more demerit points under section 111 within 3 years before the relevant day; or
- (b) was the holder of a protected area authority that was cancelled within 2 years before the relevant day because the person or associate accumulated 10 or more demerit points under section 111; or
- (c) the person, or an associate of the person, is or was the holder of an authority, however described, under the law of another jurisdiction that—
 - (i) is or was equivalent to a protected area authority; and

- (ii) was suspended or cancelled within 3 years before the relevant day for a failure to comply with a law of the other jurisdiction relating to the authority.

110 Suitability based on other matters

- (1) A person is not a suitable person to hold a protected area authority if the chief executive is satisfied the person would be unable to conduct activities under the authority in a competent and ethical way.
- (2) For subsection (1), the chief executive may have regard to—
 - (a) the applicant's ability to comply with any requirements about keeping records, providing returns or paying fees that apply to the protected area authority under this regulation; and
 - (b) any other matter relevant to the applicant's ability to conduct activities under the authority in a competent and ethical way.
- (3) Without limiting subsections (1) and (2), the chief executive may be satisfied the person is unable to conduct activities under the protected area authority in a competent and ethical way if the person, or an associate of the person—
 - (a) was the holder of a protected area authority that was cancelled or suspended within 3 years before the relevant day for contravention of a condition of the authority; or
 - (b) was a party to a commercial activity agreement that was cancelled, or whose authorisation under the agreement was suspended, within 3 years before the relevant day for contravention of a condition of the agreement.

Division 3 Demerit points

111 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) 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.
- (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 2 Applications for authorities

Division 1 Automatically granting camping permits for camping areas

111A Camping permit for camping area prescribed for automatic granting—Act, s 143B

- (1) For section 143B(1)(a) of the Act, a camping permit for a camping area is prescribed as a type of relevant authority that may be automatically granted to a person by the operation of the departmental system.
- (2) For section 143B(1)(c) of the Act, section 112 prescribes the way in which a camping permit for a camping area may be automatically granted by the operation of the departmental system.
- (3) Divisions 2 to 4 do not apply in relation to a camping permit for a camping area.

112 Application for camping permit for camping area

- (1) A person may apply for a camping permit for a camping area to be granted by the operation of the departmental system.
- (2) The application must—
 - (a) be made using the departmental system; and
 - (b) state the required information.
- (3) The camping permit is to be granted by the operation of the departmental system only if the camping fee for the permit is paid as required on the system.
- (4) The camping permit is granted on the day the person is issued a notice stating—
 - (a) the number identifying the permit; and
 - (b) the details of the permit.
- (5) In this section—

required information, for an application for a camping permit for a camping area, means the following information—

- (a) the name of the applicant;
- (b) the camping area for which the permit is sought;
- (c) the period for which the permit is sought;
- (d) the number of people intending to camp under the permit;
- (e) if the applicant is using a vehicle for camping—the number plate attached to the vehicle under a vehicle registration Act.

113 Conditions of camping permit in camping area

- (1) A camping permit for a camping area is granted only—
 - (a) for the number of people stated by the person when applying for the permit; and
 - (b) for a time when the area the subject of the permit is a camping area; and

- (c) for the number of days stated by the person when applying for the permit; and
- (d) for not longer than—
 - (i) if the camping notice or any additional conditions notice for the camping area states a period less than 30 days as the longest period for which anyone may camp in the area—that period; or
 - (ii) otherwise—30 days.
- (2) The conditions stated in the camping notice, and any additional conditions notice, for the camping area are taken to be conditions of the camping permit.
- (3) In this section—

additional conditions notice, for a camping area, see section 27(5).

camping notice, for a protected area or part of a protected area, see section 27(2).

Division 2 Making applications for authorities generally

114 Requirements for application

- (1) A person may apply to the chief executive for the grant of a protected area authority.

Note—

See division 1 for the way to apply for a camping permit for a camping area to be automatically granted.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be supported by enough information to enable the application to be decided; and
 - (c) be accompanied by the relevant fee; and

- (d) comply with any other requirements for the application under this regulation.
- (3) In this section—
relevant fee means an amount as follows—
 - (a) for an application for a commercial activity permit—the sum of—
 - (i) the application fee payable under chapter 8 for the permit; and
 - (ii) the permit fee payable under chapter 8 for the permit;
 - (b) for an application for an organised event permit—the sum of—
 - (i) the application fee payable under chapter 8 for the permit; and
 - (ii) if persons will be camping under the permit—the camping fee for camping, payable under chapter 8 for the permit;
 - (c) for an application for a stock grazing permit—the permit fee payable under chapter 8 for the first year of the permit;
 - (d) for an application for another protected area authority—the fee payable under chapter 8 for the authority.

Division 3 Considering applications

115 Matters for chief executive to consider

- (1) In considering an application for a protected area authority for a protected area, the chief executive must have regard to each of the following matters—
 - (a) whether the chief executive is prevented from granting the authority by a restriction under chapter 3 or 4;

- (b) whether or not the applicant is a suitable person to hold the authority;

Note—

See part 1 for when a person is not a suitable person.

- (c) the impact the activities proposed to be conducted under the authority may have on the conservation of the cultural or natural resources of the area;
 - (d) the effect the grant of the authority may have on—
 - (i) fair and equitable access to nature; and
 - (ii) the ecologically sustainable use of protected areas;
 - (e) any contribution the applicant proposes to make to the conservation of nature;
 - (f) any relevant Australian or international code, instrument, protocol or standard or any relevant intergovernmental agreement;
 - (g) the precautionary principle;
 - (h) public health and safety;
 - (i) the public interest;
 - (j) any recovery plan for wildlife to which the authority applies;
 - (k) any other matter stated in a management instrument as a matter to which the chief executive must have regard when considering an application for the authority;
 - (l) the impact the activities that may be conducted under the authority may have on the character and amenity of the area and adjacent areas;
 - (m) the likely cumulative effect of the proposed use and other uses on the area;
 - (n) the orderly and proper management of the area.
- (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.

Note—

See also section 137 of the Act about consistency of particular licences, permits or other authorities with management principles and particular management instruments.

(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.

recovery plan, for wildlife—

- (a) means a document stating what research and management is necessary to stop the decline, support the recovery, or enhance the chance of long-term survival in the wild, of the wildlife; and
- (b) includes a recovery plan made or adopted under the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth), section 269A.

116 Additional matters to be considered for particular Indigenous areas

- (1) This section applies in relation to the chief executive considering an application for a protected area authority for an Aboriginal land protected area or a protected area in the Cape York Peninsula Region.
- (2) In considering the application, the chief executive must have regard to—
 - (a) for an application for a protected area authority for an Aboriginal land protected area—the Indigenous management agreement for the protected area; or
 - (b) for an application for a protected area authority for a protected area, other than an Aboriginal land protected area, in the Cape York Peninsula Region—any Indigenous land use agreement for the area.
- (3) This section applies in addition to section 115.

117 Chief executive may require further information or document

- (1) Before deciding an application for a protected area authority, the chief executive may ask the applicant for further information or a document the chief executive reasonably 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) if the notice is given in relation to an application for a joint marine park permit—state a reasonable period of at least 15 business days after the notice is given within which the information or document must be given; or
 - (b) otherwise—
 - (i) be given to the applicant within 20 business days after the chief executive receives the application; and
 - (ii) state a reasonable period, of at least 20 business days after it is given, within which the information or document must be given.
- (5) If the applicant does not comply with a notice given to the applicant under subsection (3), the applicant is taken to have withdrawn the application.
- (6) The chief executive may, at any time, extend the period for compliance with a notice given under subsection (3).

118 Amending application

An applicant for an application for a protected area authority may amend the application if—

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

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

119 Chief executive may invite submissions about application

- (1) This section applies if the chief executive considers—
 - (a) the grant of an application for a protected area authority may restrict the reasonable use, by persons other than the applicant, of a part of the protected area to which the application relates; and
 - (b) those persons should be given an opportunity to provide submissions to the chief executive about the application.
- (2) The chief executive must give the applicant a notice stating—
 - (a) the public will be notified about the nature of the application on the department’s website; and
 - (b) a particular period, of at least 20 business days, will be stated on the website for making written submissions to the chief executive about the application; and
 - (c) the number of times, being not more than 2, the public will be notified about the application.
- (3) The chief executive must, on the department’s website, invite the public to make written submissions to the chief executive about the application in a notice conforming with subsection (2).
- (4) Before deciding whether or not to grant the protected area authority, the chief executive must consider any written submissions—
 - (a) made to the chief executive in response to the notice given under subsection (3); and
 - (b) received by the chief executive within the period stated in the notice.

Division 4 Deciding applications

120 Chief executive to decide application

- (1) The chief executive must, after considering an application for a protected area authority, decide to—
 - (a) grant the authority, with or without conditions decided by the chief executive; or
 - (b) refuse the application.
- (2) Without limiting subsection (1)(a), the chief executive may impose a condition on a protected area authority providing for—
 - (a) an indemnity for the State against any liability for loss or damage suffered by any person and caused, whether directly or indirectly, by the activities conducted under the authority; or
 - (b) the compensation for or reimbursement of any loss or expense incurred by the State in relation to activities conducted under the authority.
- (3) Without limiting subsection (1)(b), the chief executive may refuse the application if the chief executive reasonably believes the application contains information that is false, misleading or incomplete in a material particular.
- (4) Subsection (5) applies in relation to an application for a new protected area authority to take effect immediately after an existing protected area authority of the same type, and for the same holder, ends.
- (5) Without limiting subsection (1)(b), the chief executive may refuse the application if the chief executive reasonably believes—
 - (a) the existing protected area authority was obtained on the basis of information that was false, misleading or incomplete in a material particular; or

- (b) the holder of the existing protected area authority, or a relevant person for the holder, has contravened a condition of the authority.

121 Timeframes for deciding application

- (1) The chief executive must decide an application for a protected area authority, other than a joint marine park permit—
 - (a) if, under section 117, the chief executive asks for further information or a document—within 40 business days after receiving the information or document; or
 - (b) if, under section 119, the chief executive invites submissions from the public about the application—within 40 business days after the end of the period within which the public may make submissions; or
 - (c) otherwise—within 40 business days after receiving the application.
- (2) The chief executive must decide an application for a joint marine park permit—
 - (a) if, under section 117, the chief executive asks for further information or a document—within a reasonable time after receiving the information or document; or
 - (b) otherwise—within a reasonable time after receiving the application.

122 Steps to be taken after application decided

- (1) If the chief executive decides to grant a protected area 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 120(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.

Part 3 Form of authorities

123 Form

- (1) A protected area authority must be in writing.
- (2) The chief executive may use 1 document for the grant of more than 1 protected area authority.
- (3) Also, the chief executive may use a document that has been used for the grant of a marine park permission for the grant of a commercial activity permit.
- (4) In granting a commercial activity permit, the chief executive may combine the permit with—
 - (a) a commercial activity permit granted under the *Forestry Act 1959*; or
 - (b) a commercial activity permit granted under the *Recreation Areas Management Act 2006*, part 4.

124 Matters to be stated in authority

- (1) The following information must be stated in a protected area authority—
 - (a) the type of authority;
 - (b) the day the authority is granted;
 - (c) if the authority does not take effect on the day it was granted—the day it takes effect;
 - (d) either the term or end date of the authority;

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- (e) the name of the holder of the authority and, if the holder is a corporation, the holder's ABN or ACN;
 - (f) if the authority is not a camping permit—the address of the holder of the authority;
 - (g) the protected area that may be entered or used under the authority;
 - (h) the purpose for which the entry or use is authorised;
 - (i) if the authority is for taking, using, keeping or interfering with the cultural or natural resources of the protected area—the cultural or natural resources that may be taken, used, kept or interfered with under the authority;
 - (j) if the authority is granted to a corporation—
 - (i) the name of each executive officer of the corporation; and
 - (ii) the name of the individual in charge of the activity to be conducted under the authority;
 - (k) any conditions imposed by the chief executive on the authority.
- (2) Also, an apiary permit for a protected area must identify the location of each apiary site to which the permit relates.

Part 4 Term of authorities

125 Term

- (1) A protected area authority—
 - (a) is granted for the term stated in the authority; and
 - (b) ends at the end of its term; and
 - (c) cannot be renewed.
- (2) The term must not be more than the maximum term stated in this part for the protected area authority.

- (3) However, a commercial activity permit the subject of a renewal request may continue in effect after its term ends, and may be renewed, as provided for in part 7.
- (4) Subsections (1) and (2) do not prevent an application for, and the granting of, a new protected area authority starting immediately after a protected area authority of the same type, held by the same person, ends.

126 Maximum terms for resources and apiary permits

- (1) The maximum term for each of the following resources permits for a protected area is as follows—
 - (a) a resources permit for a conservation purpose—3 years;
 - (b) a resources permit for an educational purpose—3 years;
 - (c) a resources permit for a scientific purpose—3 years;
 - (d) a resources permit for the removal of quarry material—3 years;
 - (e) another resources permit—1 year.
- (2) The maximum term for an apiary permit for a protected area is 5 years.

127 Maximum term for activity permits

The maximum term for each of the following activity permits is as follows—

- (a) a camping permit—30 days;
- (b) a commercial activity permit, other than a joint marine park permit—5 years;
- (c) an organised event permit—1 year;
- (d) a permit to enter a national park (scientific)—3 years;
- (e) a permit to solicit donations or information—1 year;
- (f) a permit to use recreational craft—1 year;
- (g) a restricted access area permit—1 year;

- (h) a special activity permit—1 year;
- (i) a stock grazing permit—10 years;
- (j) a stock mustering permit—1 year;
- (k) a travelling stock permit—30 days.

Part 5 Amendment, suspension or cancellation of authorities

Division 1 Minor amendments

128 Minor amendments by chief executive

- (1) This section applies if—
 - (a) the chief executive considers a protected area authority should be amended; and
 - (b) the proposed amendment is a minor amendment.
- (2) The chief executive may amend the protected area authority by—
 - (a) for a camping permit—advising the holder of the permit of the amendment; or
 - (b) for another protected area authority—giving the holder of the authority notice of the amendment.
- (3) The advice or notice must state the reasons for the amendment.
- (4) The amendment takes effect, regardless of whether the amendment is noted on the protected area authority, on the later of the following days—
 - (a) the day the advice or notice is given to the holder;
 - (b) the day of effect advised or stated in the notice.
- (5) In this section—

minor amendment, of a protected area 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.

Division 2 Amendments by application

Subdivision 1 Automatically amending camping permits for camping areas

128A Camping permit for camping area prescribed for automatic amendment—Act, s 143B

- (1) For section 143B(1)(b) of the Act, a camping permit for a camping area is prescribed as a type of relevant authority that may be automatically amended by the operation of the departmental system.
- (2) For section 143B(1)(c) of the Act, section 128B prescribes the way in which a camping permit for a camping area may be automatically amended by the operation of the departmental system.

128B Application for amendment of camping permits for camping areas

- (1) The holder of a camping permit for a camping area may apply for the permit to be amended by the operation of the departmental system.
- (2) The application must—
 - (a) be made using the departmental system; and

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- (b) state the changes, requested by the holder, to the required information given for the camping permit.
- (3) The camping permit is to be amended only if the additional camping fee for the permit, if any, is paid as required on the system.
- (4) The camping permit is amended, as requested in the application, on the day the holder is issued a notice stating the amended details of the permit.
- (5) In this section—
required information, given for a camping permit for a camping area, means the information stated under section 112 in the application for the permit.

Subdivision 2 Amendments decided by chief executive

129 Application for amendment

- (1) The holder of a protected area authority may apply to the chief executive for an amendment of the authority.
- (2) The application must—
 - (a) be accompanied by the fee payable under chapter 8 for the amendment; and
 - (b) be in the approved form.

130 Considering and deciding application

- (1) The chief executive must consider the application and decide to—
 - (a) make the amendment; or
 - (b) make an amendment, other than the amendment applied for; or
 - (c) refuse the application.

- (1) If the chief executive decides to amend the protected area authority, the chief executive must, as soon as practicable after making the decision—
 - (a) for a camping permit—advise the holder of the amendment; or
 - (b) for another protected area authority—give the holder notice of the amendment.
- (2) The amendment takes effect, regardless of whether the amendment is noted on the protected area authority, on the later of the following days—
 - (a) the day when the advice or notice is given to the holder;
 - (b) the day of effect advised or stated in the notice.
- (3) If the chief executive decides to refuse the application or make an amendment other than the amendment applied for, the chief executive must, as soon as practicable after making the decision—
 - (a) for a camping permit—advise the holder of the decision; or
 - (b) for another protected area authority—give the holder an information notice for the decision.

(1) This section applies if the chief executive reasonably believes it is necessary for a camping permit to be amended—

- (a) to ensure the health or safety of a person or protect a person's property; or
 - (b) to minimise risk to, or safeguard the health of, a person because of a fire or natural disaster; or
 - (c) to conserve or protect the cultural or natural resources of the protected area to which the permit applies; or
 - (d) because the area to which the permit applies is declared, after the grant of the permit, to be a restricted access area or an area closed to the public; or
 - (e) to otherwise ensure the orderly and proper management of the area.
- (2) The chief executive may notify the holder of the camping permit of the following matters—
 - (a) that the chief executive requires the permit to be amended by the holder;
 - (b) the amendment the chief executive requires to be made to the permit;
 - (c) the day by which the amendment is required to be made;
 - (d) the reason for the amendment;
 - (e) that the permit may be cancelled if the amendment is not made by the day required.
- (3) A notification under subsection (2) may be given in any way practicable in the circumstances, including, for example, by using the departmental system or sending a text message to a phone.
- (4) If the holder of the camping permit does not amend the permit in the way required by the day notified to the holder, the chief executive may amend the permit in the way required or cancel the permit.

133 Immediate suspension or cancellation for non-compliance

- (1) The chief executive may immediately suspend or cancel a camping permit if the chief executive reasonably believes—
 - (a) the permit was obtained because of false or misleading information; or
 - (b) the holder of the permit has failed to comply with a condition of the permit; or
 - (c) the holder of the permit, or a person camping under the permit, has committed an offence against the Act.
- (2) Before suspending or cancelling a camping permit under subsection (1), the chief executive must take all reasonable steps to notify the holder of the camping permit that the permit is to be suspended or cancelled.

Division 4 Amendment, suspension or cancellation of other protected area authorities

Subdivision 1 Preliminary

134 Non-application to camping permits

This division does not apply in relation to a camping permit.

Subdivision 2 Non-immediate amendments by chief executive

135 Grounds for amendment

The chief executive may, by complying with this subdivision, amend a protected area authority if—

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- (a) an activity to which the authority applies is declared, after the grant of the authority, as a prescribed commercial activity or special activity; or
- (b) the authority is a joint marine park permit and the chief executive is aware a related permission for the permit has been, or is about to be—
 - (i) amended to an extent that it is no longer consistent with the permit; or
 - (ii) replaced with another permission that is not consistent with the permit; or
- (c) the chief executive reasonably believes the amendment is necessary—
 - (i) to ensure fair and equitable access to nature; or
 - (ii) to otherwise achieve the object of the Act.

136 Notice for amendment

Before amending a protected area authority under section 135, the chief executive must give the holder of the authority notice stating the following matters—

- (a) the proposed amendment;
- (b) the ground for the proposed amendment;
- (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.

137 Decision on amendment

- (1) The chief executive must consider any written representations made within the stated period by the holder of a protected area authority given a notice under section 136 and decide whether or not—

- (a) the proposed amendment should be made; or
- (b) another amendment should be made.
- (2) If the chief executive decides to amend the protected area authority, the chief executive must give the holder an information notice for the decision.
- (3) If the chief executive decides not to amend the protected area authority, the chief executive must give the holder notice of the decision.
- (4) An amendment takes effect on the later of the following days—
 - (a) the day the information notice for the amendment is given to the holder;
 - (b) the day of effect stated in the information notice.

Subdivision 3 Immediate amendments or suspensions by chief executive

138 Grounds for amendment or suspension

The chief executive may, by complying with this subdivision, immediately amend or suspend a protected area authority if—

- (a) the chief executive reasonably believes the amendment or suspension is necessary—
 - (i) to ensure the health or safety of a person or protect a person's property; or
 - (ii) to minimise risk to, or safeguard the health of, a person because of a fire or natural disaster; or
 - (iii) to conserve or protect the cultural or natural resources of the protected area to which the authority applies; or
- (b) the area to which the authority applies is declared, after the grant of the authority, to be a restricted access area, or an area closed to the public; or

- (c) the chief executive reasonably believes the activities being conducted under the authority are having an unacceptable impact on the character or amenity of the protected area to which the authority applies.

139 Advising of amendment or suspension

- (1) The chief executive must advise the holder of a protected area authority amended or suspended under section 138 that, until the chief executive otherwise decides—
 - (a) the authority is amended in the way the chief executive advises; or
 - (b) the authority is suspended to the extent the chief executive advises.
- (2) The chief executive may advise the holder verbally, if practicable.

140 Effect of amendment or suspension

- (1) An amendment or suspension of a protected area authority under section 138—
 - (a) takes effect immediately after the holder is advised of the amendment or suspension, regardless of whether the amendment is noted on the authority; and
 - (b) continues to have effect until the chief executive decides the reason for the amendment or suspension no longer exists.
- (2) The chief executive must, as soon as practicable after the amendment or suspension ends, advise the holder of the protected area authority that the amendment or suspension no longer applies.

Subdivision 4 Suspensions or cancellations by chief executive for non-compliance

141 Grounds for suspension or cancellation

The chief executive may, by complying with this subdivision, suspend or cancel a protected area authority if—

- (a) the chief executive reasonably believes—
 - (i) the authority was obtained because of false or misleading information; or
 - (ii) the holder of the authority has failed to comply with a condition of the authority; or
 - (iii) the holder of the authority is not, or is no longer, a suitable person to hold the authority; or

Note—

See part 1 for when a person is not a suitable person.

- (b) 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 conduct activities under the authority in a competent and ethical way; or
- (c) the holder of the authority has failed to give the chief executive information required to be given under the Act for the authority; or
- (d) the holder of a protected area authority has failed to pay a fee or royalty payable for the authority; or
- (e) the authority is a joint marine park permit and the chief executive is aware a related permission for the authority has been, or is about to be—
 - (i) amended to an extent that it is no longer consistent with the authority; or
 - (ii) replaced with another permission that is not consistent with the authority; or
 - (iii) suspended or cancelled.

142 Notice for suspension or cancellation

- (1) Before suspending or cancelling a protected area authority under section 141 (the *proposed action*), the chief executive must give the holder of the authority notice stating the following matters—
 - (a) the proposed action;
 - (b) the ground for the proposed action;
 - (c) an outline of the facts and circumstances forming the basis for the ground;
 - (d) if the proposed action is suspension of 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 notice is given, about why the proposed action should not be taken.
- (2) However, subsection (1)(e) does not apply if the proposed action is because the holder of the protected area authority has failed to do any of the following (each a *fee or return failure*)—
 - (a) pay a fee or royalty payable for the authority;
 - (b) give a return of operations for the authority.
- (3) For a fee or return failure, the notice must also state the following matters—
 - (a) the holder must rectify the failure by a day stated in the notice that is at least 10 business days after the notice is given;
 - (b) if the holder does not rectify the failure by the stated day, the chief executive may suspend or cancel the authority under this division.

143 Decision on suspension or cancellation

- (1) The chief executive must consider any written representations made under section 142 within the stated period by the holder of a protected area authority and decide whether or not—
 - (a) if the holder has not rectified a fee or return failure by the stated day under section 142—to take the proposed action; or
 - (b) if the proposed action was to otherwise suspend the authority—to suspend the authority for not longer than the proposed suspension period; or
 - (c) if the proposed action was to otherwise cancel the authority—to cancel the authority or to suspend it for a period; or
- (2) If the chief executive decides to suspend or cancel the authority, the chief executive must give the holder an information notice for the decision.
- (3) If the chief executive decides not to take the proposed action, the chief executive must give the holder notice of the decision.
- (4) A suspension or cancellation takes effect on the later of the following days—
 - (a) the day the information notice for the suspension or cancellation is given to the holder;
 - (b) the day of effect stated in the information notice.

144 Earlier ending of suspension or cancellation in particular circumstances

- (1) If a protected area authority is suspended because of a fee or return failure, the suspension continues until the earlier of the following—
 - (a) the day the holder rectifies the failure; or
 - (b) the end of the suspension period stated in the information notice for the suspension.

- (2) If a protected area authority is suspended because of the conviction of a person for an offence and the conviction is quashed, the suspension period ends on the day the conviction is quashed.
- (3) If a protected area authority is cancelled because of the conviction of a person for an offence and the conviction is quashed, the cancellation stops having effect.

Part 6 Transfer of particular permits

Division 1 Transferable permits

145 Particular permits transferable

The following protected area authorities are transferable—

- (a) an apiary permit; and
- (b) a commercial activity permit, including a joint marine park permit.

Division 2 Apiary permits

146 Transfer of apiary permits

- (1) The holder of an apiary permit and a proposed transferee may apply to the chief executive to transfer the permit to the transferee.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) be accompanied by the fee payable under chapter 8 for the transfer.
- (3) The chief executive may approve the transfer of the apiary permit to the transferee if the term and conditions of the permit remain the same when transferring the permit.

- (4) Part 1 and part 2, divisions 3 and 4 apply in relation to the application as if a reference in the parts to an applicant applying for an apiary permit were a reference to the proposed transferee applying for the transfer of the apiary permit.

Division 3 Commercial activity permits

147 Application to transfer commercial activity permits

- (1) The holder of a commercial activity permit and a proposed transferee may apply to the chief executive to transfer the permit to the transferee.
- (2) The application must—
- (a) be in the approved form; and
 - (b) be given to the chief executive at least 20 business days before the day on which the transfer is intended to take effect; and
 - (c) be accompanied by the fee payable under chapter 8 for the transfer.
- (3) An application may not be made to transfer a commercial activity permit that has been suspended.

148 Considering application

In considering an application to transfer a commercial activity permit, the chief executive must have regard to the following matters—

- (a) whether the proposed transferee is a suitable person to hold the permit;
- (b) all matters relevant to ensuring the orderly and proper management of the protected area to which the permit applies.

Notes—

- 1 See part 1 for when a person is not a suitable person.

- 2 See also section 150(2) for matters the chief executive must be satisfied of when approving a transfer.

149 Chief executive's power to require further information

- (1) Before deciding an application to transfer a commercial activity permit, the chief executive may, by notice, ask the holder of the permit or proposed transferee to give the chief executive any further information the chief executive reasonably requires to decide the application.
- (2) The holder and proposed transferee are taken to have withdrawn the application if the request is not complied with within 40 business days after the holder or proposed transferee is given the notice.

150 Decision on application

- (1) The chief executive must decide an application to transfer a commercial activity permit within 20 business days after the chief executive—
 - (a) receives the application; or
 - (b) if the chief executive has asked for further information under section 149—receives the information.
- (2) The chief executive may approve the transfer only if the chief executive is satisfied—
 - (a) the proposed transferee is a suitable person to hold the permit; and
Note—
See part 1 for when a person is not a suitable person.
 - (b) neither the holder of the permit, nor the proposed transferee, owes any fee, royalty or other amount payable under either or both of the following—
 - (i) the Act;
 - (ii) for a joint marine park permit—a marine park Act.

- (3) If the chief executive refuses to approve the transfer, the chief executive must give the holder of the permit and the proposed transferee an information notice for the decision.

151 Steps after approval of transfer

- (1) This section applies if the chief executive decides to approve the transfer of a commercial activity permit under section 150.
- (2) The chief executive must cancel the existing commercial activity permit and give the proposed transferee a new commercial activity permit—
 - (a) authorising the same activity as the cancelled permit immediately before it was cancelled under this section; and
 - (b) with a term—
 - (i) starting on the later of the following days (the *transfer day*)—
 - (A) the day the application is decided;
 - (B) the day stated in the application for the approval of the transfer as the day on which the transfer is to take effect; and
 - (ii) ending on the day the cancelled permit would otherwise have ended; and
 - (c) subject to the same conditions as the cancelled permit immediately before it was cancelled under this section.
- (3) Despite subsection (2)(c), the chief executive may impose a new or different condition on the commercial activity permit if any of the following apply to the condition—
 - (a) the condition provides for an indemnity for the State against any liability for loss or damage suffered by any person and caused, whether directly or indirectly, by the activities conducted under the permit;

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- (b) the condition provides for the compensation or reimbursement of any loss or expense incurred by the State in relation to activities conducted under the permit;
 - (c) the condition is another condition that the proposed transferee has agreed to.
- (4) For a joint marine park permit, subsections (2) and (3) apply only to the part of the permit that is a commercial activity permit.

Part 7 **Renewal of commercial activity permits**

Division 1 **Preliminary**

152 **Definitions for part**

In this part—

existing permit see section 154(1).

new permit, for the holder of an existing permit who has made a renewal request, means a commercial activity permit that is, or would be granted, to the holder under section 158.

renewal request see section 154(1).

substantially the same, in relation to activities, see section 153(1).

153 **When activities are substantially the same**

- (1) For this part, the activities (the *relevant activities*) that may be, or are intended to be, conducted under a new permit are *substantially the same* as the activities that may be conducted under the existing permit if—
- (a) all of the relevant activities may be conducted under the existing permit; and

- (b) the relevant activities relate only to the location where activities may be conducted under the existing permit; and
 - (c) the scale of the relevant activities is not greater than the scale of the activities that may be conducted under the existing permit.
- (2) In this section—
- scale*, of relevant activities, includes the number of people, vehicles or structures or the amount of resources involved in the relevant activities.

Division 2 Considering applications

154 **Holder may apply for renewal of commercial activity permit**

- (1) The holder of a commercial activity permit, including a joint marine park permit, (an *existing permit*) may ask the chief executive to renew the permit (a *renewal request*).
- (2) A renewal request must—
 - (a) be in the approved form; and
 - (b) be made before the existing permit ends; and
 - (c) be accompanied by the fee payable under chapter 8 for the renewal and the permit.

155 **Existing permit continues in effect until renewal request is decided**

- (1) This section applies if—
 - (a) the holder of an existing permit makes a renewal request for the permit; and
 - (b) the renewal request has not been decided before the end of the term of the existing permit.

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- (2) The existing permit continues in effect from the day it would otherwise have ended until the day on which the earliest of the following happens—
 - (a) the renewal request is decided;
 - (b) the renewal request is withdrawn;
 - (c) the day that is 3 months after the day it would otherwise have ended.
- (3) However, if the chief executive renews the existing permit, the new permit is taken to have had effect immediately after the existing permit would otherwise have ended.
- (4) Subsection (2) does not stop the existing permit from being suspended or cancelled under this regulation.

156 Chief executive's power to require further information

- (1) Before deciding an application to renew a commercial activity permit, the chief executive may, by notice, ask the holder of the existing permit to give the chief executive any further information the chief executive reasonably requires to decide the application.
- (2) The holder is taken to have withdrawn the renewal request if the request is not complied with within 40 business days after the holder is given the notice.

Division 3 Deciding applications

157 Decision on renewal of permit

- (1) If the chief executive receives a renewal request for an existing permit, the chief executive must decide to—
 - (a) renew the existing permit; or
 - (b) refuse the renewal request.
- (2) The chief executive may renew the existing permit if the chief executive—

- (a) is satisfied the activities the holder intends to conduct under the new permit are substantially the same as the activities that may be conducted under the existing permit; and
 - (b) is satisfied nothing in part 1 or 2 would prevent the chief executive granting a new permit to the holder had the holder applied for the grant of a new permit under part 2; and
 - (c) for a permit, other than for filming or photography—is satisfied the holder has—
 - (i) given the chief executive each return of operations required to be given for the existing permit under chapter 4, part 5, division 3; and
 - (ii) for each fee payable under chapter 8 in relation to the existing permit—
 - (A) paid the fee within the period of payment for the fee; or
 - (B) entered into an arrangement with the chief executive for payment of the fee and complied with the arrangement.
- (3) If the chief executive refuses to renew an existing permit, the chief executive must give the holder an information notice.

158 Steps for renewal of permit

- (1) If the chief executive decides to renew an existing permit under section 157, the chief executive must, as soon as practicable, grant the holder a new commercial activity permit.
- (2) The commercial activity permit must be granted—
 - (a) for carrying out activities that are substantially the same as the activities authorised under the existing permit; and
 - (b) on the same conditions as the existing permit, unless subsection (3) applies; and

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- (c) for a term that starts on the day immediately after the end of the term of the existing permit, whether or not the existing permit has continued in effect under section 155(2).
- (3) The commercial activity permit may be granted with conditions that are different from the conditions of the existing permit if—
 - (a) the change of conditions can be characterised as a type of minor amendment mentioned in section 128; or
 - (b) the holder agrees to the change of conditions; or
 - (c) the chief executive reasonably believes that a ground for amendment mentioned in section 135 or 138 exists in relation to the permit.

Part 8 Requirements for authorities

159 Authority must be available for inspection

- (1) A person carrying out an activity under a protected area authority, other than a camping permit or stock grazing permit—
 - (a) must have the following documents available for inspection—
 - (i) if the person is the holder of the authority—the authority or a copy of the authority;
 - (ii) if the person is not the holder of the authority—a copy of the authority endorsed by the holder of the authority with the name and residential address of the person carrying out the activity; and
 - (b) if asked by a conservation officer, must produce the authority or copy for inspection by the officer, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) For this section, a copy of the relevant details of a commercial activity permit is taken to be a copy of the permit.
- (3) In this section—
relevant details, of a commercial activity permit, means details of each of the following matters—
 - (a) if the permit number for the permit is stated in the permit—the permit number;
 - (b) the name of the holder of the permit;
 - (c) the term of the permit;
 - (d) the protected area to which the permit applies;
 - (e) the activity authorised under the permit.

160 Requirement to notify chief executive of particular changes and ask for amendment

- (1) This section applies to the holder of a protected area authority if a change of any of the following happens—
 - (a) the holder's name;
 - (b) the holder's postal, residential or business address stated in the authority;
 - (c) if the holder is a corporation—
 - (i) a person who is an executive officer of the corporation; or
 - (ii) a person in charge of the activity conducted under the authority.
- (2) The holder must before, or immediately after, the change happens—
 - (a) give the chief executive a notice stating the nature of the change; and
 - (b) for a change mentioned in subsection (1)(a) or (c)—apply to the chief executive for an amendment of the protected area authority to reflect the change.

Maximum penalty—10 penalty units.

Note—

For amending a protected area authority by application, see part 5, division 2.

Part 9 Surrender of authorities

161 Surrender

- (1) The holder of a protected area authority may surrender the authority by giving the chief executive a notice of surrender.
- (2) A protected area authority surrendered under subsection (1) stops having effect on—
 - (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.

Part 10 Using departmental system

161A Authorised persons assisting applicants with using departmental system

An application made using the departmental 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 6 Commercial activity agreements

Part 1 General matters

162 Chief executive may enter into agreement

- (1) The chief executive may, for the State, enter into an agreement (a ***commercial activity agreement***) with a person authorising the conduct of a commercial activity in a protected area, or part of a protected area, other than in a special wildlife reserve or nature refuge.
- (2) The chief executive may enter into the commercial activity agreement in any of the following ways—
 - (a) by using an expression of interest process under part 2;
 - (b) by using an application process under part 3;
 - (c) by otherwise entering into the agreement with the holder of a commercial activity permit for the activity for the area.
- (3) The commercial activity agreement may be combined with—
 - (a) a commercial activity agreement entered into by the person under the *Marine Parks Regulation 2017*, section 52; or
 - (b) a commercial activity agreement entered into by the person under the *Recreation Areas Management Act 2006*, section 69.

163 Restrictions on entering into agreement—conservation of protected area

- (1) A commercial activity agreement must be consistent with—
 - (a) the management principles for the protected area to which it applies; and

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- (b) the interim or declared management intent, or management plan, for the protected area to which it applies.
- (2) Also, a commercial activity agreement must not—
 - (a) create an interest in land in a protected area; or
 - (b) authorise the carrying out of major earthworks, or the installation of a permanent structure, in a protected area; or
 - (c) otherwise provide for a matter for which a lease, agreement, licence, permit or other authority made or given under section 34, 35 or 36 of the Act would be more appropriate.

Example—

It would be more appropriate to enter into a lease, agreement, licence, permit or other authority made or given under section 34, 35 or 36 of the Act for the installation of a sewage pipeline or communications tower in a national park.

- (3) In this section—

major earthworks means earthworks that cause a major disturbance to the cultural or natural resources of a protected area.

Example—

construction of a road or drainage channel

164 Restrictions on entering into agreement—suitability of party

- (1) The chief executive may enter into a commercial activity agreement with a person only if the chief executive is satisfied the person is a suitable person to be a party to the agreement.
- (2) In deciding whether a person is a suitable person, the chief executive may have regard to—
 - (a) the person’s ability to comply with the proposed terms and conditions of the agreement sought by the person; and

- (b) any other matter relevant to the person's ability to conduct the activities for which the agreement is sought in a competent and ethical way.
- (3) A person is not a suitable person if, had the person applied for a commercial activity permit for the activities for which the agreement is sought, the person would not, having regard to the matters mentioned in chapter 5, part 1, be a suitable person to hold the permit.

165 Restrictions on entering into agreement—insurance

- (1) The chief executive may enter into a commercial activity agreement with a person only if the chief executive is satisfied there is adequate insurance cover for the activities for which the agreement is sought.
- (2) However, subsection (1) does not apply if the chief executive considers insurance cover is not required having regard to the nature of the activities, including whether insurance is commonly available for the activities.

166 Content of agreement

- (1) A commercial activity agreement must be in writing and include each of the following details—
 - (a) the name of the protected area to which the agreement applies;
 - (b) the day the agreement is entered into;
 - (c) the term of the agreement;
 - (d) the name of the person with whom the agreement is entered into;
 - (e) if the person is a corporation—the ABN or ACN of the corporation;
 - (f) the person's place of business;
 - (g) the activities authorised under the agreement;
 - (h) any conditions of the agreement;

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- (i) the amount payable to the State under the agreement, or a way of working out the amount.
- (2) Subsection (1) does not limit the matters that may be included in the agreement.
- (3) The parties to the agreement may, by agreement, amend the agreement at any time.

Note—

See also part 5 for provisions about the amendment, suspension and cancellation of commercial activity agreements by the chief executive.

167 Conservation conditions

- (1) This section applies if the chief executive reasonably believes a commercial activity agreement proposed to be made or amended should be subject to a condition (a ***conservation condition***)—
 - (a) to achieve the object of the Act; or
 - (b) to ensure another person who is a party to the agreement keeps proper records, provides returns of operations and pays fees to contribute to achieving the object of the Act.

Note—

See section 5 of the Act for how the object of the Act is to be achieved.

- (2) The chief executive must not—
 - (a) enter into the agreement unless it is made subject to the conservation condition; or
 - (b) amend the agreement unless the amendment includes making the agreement subject to the conservation condition.
- (3) The chief executive must ensure the agreement—
 - (a) identifies the conservation condition as a condition to which section 205 applies; and
 - (b) states that failure to comply with the condition may constitute an offence against that section.

Part 2 Expression of interest process

168 Application of part

This part applies if the chief executive decides to use an expression of interest process to enter into a commercial activity agreement.

169 Invitation for expressions of interest

- (1) The chief executive may invite expressions of interest for entering into the commercial activity agreement for conducting a commercial activity in a protected area, or part of a protected area, from—
 - (a) only the holders of a commercial activity permit for the activity for the area or part; or
 - (b) the members of the public the chief executive considers would be interested in submitting an expression of interest for the agreement.
- (2) The invitation must be made in the way the chief executive considers appropriate having regard to the need to ensure the invitees—
 - (a) are made aware that the process is being conducted; and
 - (b) have enough time to submit an appropriate expression of interest.
- (3) The invitation must state the following—
 - (a) the commercial activity and the protected area, or part of the protected area, that will be the subject of the agreement;
 - (b) if the commercial activity is a prescribed commercial activity for the area or part—
 - (i) the commercial activity is a prescribed commercial activity for the area or part; and

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- (ii) that the chief executive may authorise a prescribed commercial activity in the area or part only under a commercial activity agreement;
- (c) if the expression of interest process is open only to the holders of a commercial activity permit for the activity for the area or part—that only those holders may submit an expression of interest for the agreement;
- (d) how the expression of interest may be submitted to the chief executive;
- (e) the day and time by which the expression of interest must be submitted to the chief executive;
- (f) that a fee is payable for submitting the expression of interest, and the amount of the fee stated in schedule 8;
- (g) that details of each of the following are available at a stated place—
 - (i) the matters the chief executive will consider to decide whether to enter into the agreement;
 - (ii) any proposed conditions of the agreement that are likely to impact the conducting of the activity under the agreement.

170 Requirements for expression of interest

An expression of interest for a commercial activity agreement must be—

- (a) in writing; and
- (b) accompanied by the fee stated in schedule 8 for submitting the expression of interest; and
- (c) submitted in the way, and by the day and time, stated in the invitation under section 169.

171 Requirements for process

- (1) Subject to the requirements about entering into a commercial activity agreement mentioned in part 1, any process the chief

executive considers appropriate may be used to decide the expressions of interest that should be further negotiated toward a commercial activity agreement.

- (2) Without limiting subsection (1), in considering an expression of interest, the chief executive must have regard to—
 - (a) the matters the chief executive must have regard to for considering an application for a commercial activity permit; and
 - (b) any other matter the chief executive considers relevant.

Note—

For the matters the chief executive must have regard to for considering an application for a commercial activity permit, see chapter 4, part 4, division 2 and chapter 5.

172 Chief executive may request further information

- (1) Without limiting section 171(1), the chief executive may, by notice, ask the submitter of an expression of interest to give the chief executive further reasonable information by the day stated in the notice.
- (2) The stated day must be at least 20 business days after the submitter is given the notice.
- (3) If the submitter does not, without reasonable excuse, give the chief executive the further information by the stated day—
 - (a) the expression of interest is taken to have been withdrawn; and
 - (b) the chief executive must give the submitter a notice stating that—
 - (i) under this section, the expression of interest is taken to be withdrawn; and
 - (ii) the submitter may submit another expression of interest.
- (4) The chief executive may extend the period for the submitter to give the further information.

173 Amending expression of interest

If the chief executive agrees, the submitter may amend the expression of interest before the chief executive has finished considering it.

174 Notice to unsuccessful submitters

The chief executive must, within 10 business days after deciding not to negotiate with a submitter of an expression of interest, give the submitter a notice for the decision.

Part 3 Application process

175 Application of part

This part applies if the chief executive decides to use an application process for entering into a commercial activity agreement.

176 Applying for agreement

- (1) A person may apply to the chief executive for a commercial activity agreement for conducting a commercial activity in a protected area or part of a protected area.
- (2) The application must be—
 - (a) in writing; and
 - (b) accompanied by the fee stated in schedule 8 for the application.

177 Matters to be considered for application

In considering the application, the chief executive must have regard to—

- (a) the matters the chief executive must have regard to for considering an application for a commercial activity permit; and

- (b) any other matter the chief executive considers relevant.

Note—

For the matters the chief executive must have regard to for considering an application for a commercial activity permit, see chapter 4, part 4, division 2 and chapter 5.

178 Chief executive may request further information

- (1) The chief executive may, by notice, ask the applicant to give the chief executive further reasonable information by the day stated in the notice.
- (2) The stated day must be at least 20 business days after the applicant is given the notice.
- (3) If the applicant does not, without reasonable excuse, give the chief executive the further information by the stated day—
 - (a) the application is taken to have been withdrawn; and
 - (b) the chief executive must give the applicant a notice stating that—
 - (i) under this section, the application is taken to be withdrawn; and
 - (ii) the applicant may make a new application.
- (4) The chief executive may extend the period for the applicant to give the further information.

179 Amending the application

If the chief executive agrees, the applicant may amend the application before the chief executive has finished considering it.

180 Chief executive may invite submissions about application for agreement

- (1) This section applies if the chief executive considers—

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- (a) entering into a commercial activity agreement the subject of the application may restrict the reasonable use, by persons other than the applicant, of a protected area or part of a protected area; and
 - (b) those persons should be given an opportunity to provide submissions to the chief executive about the application.
- (2) The chief executive must give the applicant a notice stating—
 - (a) that the public will be notified about the nature of the application on the department’s website; and
 - (b) a particular period, of at least 20 business days, will be stated on the website for making written submissions to the chief executive about the application; and
 - (c) the number of times, being not more than 2, that the public will be notified about the application.
- (3) The chief executive must, on the department’s website, invite the public to make written submissions to the chief executive about the application in a notice conforming with subsection (2).
- (4) Before deciding whether or not to further negotiate toward entering into the agreement, the chief executive must consider any written submissions—
 - (a) made to the chief executive in response to the notice given under subsection (3); and
 - (b) received by the chief executive within the period stated in the notice.

181 Negotiating application for agreement

- (1) The chief executive must consider each application and decide whether—
 - (a) to negotiate the signing of the commercial activity agreement the subject of the application; or
 - (b) to refuse to negotiate the signing of the agreement.

- (2) The chief executive must give the applicant a notice of the decision within 10 business days of making the decision.
- (3) If the decision is a refusal under subsection (1)(b), the notice must be an information notice.

182 Steps to be taken after application decided

- (1) If, after negotiation, the chief executive decides to enter into the commercial activity agreement, the chief executive must, as soon as practicable after making the decision, enter into the agreement with the applicant.
- (2) If, after negotiation, the chief executive decides to refuse to enter into the commercial activity agreement, the chief executive must, within 10 business days after making the decision, give the applicant an information notice for the decision.

Part 4 Term and authorisation under agreements

183 Term and review of agreements

- (1) A commercial activity agreement must not be for a term longer than 15 years from the day the agreement takes effect.
- (2) The agreement may allow for the term of the agreement to be extended at any time, but the term of the agreement must not at any time be longer than 15 years.
- (3) The agreement may also provide for—
 - (a) reviews of the agreement to be conducted at stated intervals; and
 - (b) the matters to be considered at the review.

184 Authorisation under agreement

- (1) A commercial activity agreement authorises the party to the agreement other than the chief executive (the *other party* to the agreement) to conduct, subject to the conditions stated, the commercial activity in the protected area, or part of the protected area, stated in the agreement.
- (2) The authorisation under a commercial activity agreement may be transferred under part 6.

Part 5 Amendment, suspension and cancellation of agreements

Division 1 Non-immediate amendments of agreements

185 Grounds for amendment of agreement

The chief executive may, by complying with this division, amend a commercial activity agreement if—

- (a) an activity being conducted under the agreement is declared, after the agreement is entered into, as a special activity; or
- (b) the chief executive reasonably believes the amendment is necessary—
 - (i) to ensure fair and equitable access to nature; or
 - (ii) to otherwise achieve the object of the Act.

186 Notice for amendment of agreement

Before amending a commercial activity agreement under section 185, the chief executive must give the other party to the agreement a notice stating the following matters—

- (a) the proposed amendment;

- (b) the ground for the proposed amendment;
- (c) an outline of the facts and circumstances forming the basis for the ground;
- (d) an invitation to make written representations, within a stated period of at least 20 business days after the notice is given, about why the proposed amendment should not be made.

187 Decision on amendment of agreement

- (1) The chief executive must consider any written representations made within the stated period by the other party to the commercial activity agreement under section 186 and decide whether or not—
 - (a) the proposed amendment should be made; or
 - (b) another amendment should be made.
- (2) If the chief executive decides to amend the commercial activity agreement, the chief executive must give the other party an information notice for the decision.
- (3) If the chief executive decides not to amend the commercial activity agreement, the chief executive must, as soon as practicable after making the decision, give the other party notice of the decision.
- (4) An amendment takes effect on the later of the following days—
 - (a) the day the information notice is given to the other party;
 - (b) the day of effect stated in the information notice.

Division 2 Immediate amendments or suspensions of agreements

188 Grounds for amendment or suspension of agreement

The chief executive may, by complying with this division, amend a commercial activity agreement or suspend the authorisation under it if—

- (a) the chief executive reasonably believes it is necessary—
 - (i) to ensure the health or safety of a person or protect a person's property; or
 - (ii) to minimise risk to, or safeguard the health of, a person because of a fire or natural disaster; or
 - (iii) to conserve or protect the cultural or natural resources of the protected area, or part of the protected area, to which the agreement applies; or
- (b) the protected area, or part of the protected area, to which the agreement applies is declared, after the agreement was entered into, to be a restricted access area, or an area closed to the public; or
- (c) the chief executive reasonably believes the activities being conducted under the agreement are having an unacceptable impact on the character or amenity of the protected area, or part of the protected area, to which the agreement applies.

189 Advising of amendment or suspension of agreement

- (1) The chief executive must advise the other party to a commercial activity agreement amended or suspended under section 188 that, until the chief executive otherwise decides—
 - (a) the agreement is amended in the way the chief executive advises; or
 - (b) the authorisation under the agreement is suspended, to the extent the chief executive advises.

- (2) The chief executive may advise the other party verbally, if practicable.

190 Effect of amendment or suspension of agreement

- (1) An amendment or suspension under section 188—
- (a) takes effect immediately after the other party to the commercial activity agreement is advised of the amendment or suspension, regardless of whether the amendment or suspension is noted on the agreement; and
 - (b) continues to have effect until the chief executive decides the reason for the amendment or suspension no longer exists.
- (2) The chief executive must, as soon as practicable after the amendment or suspension ends, advise the other party that the amendment or suspension no longer applies.

Division 3 Suspensions or cancellations of agreements for non-compliance

191 Grounds for suspension or cancellation of agreement

The chief executive may, by complying with this division, wholly or partially suspend the authorisation under a commercial activity agreement or cancel a commercial activity agreement if—

- (a) the chief executive reasonably believes—
- (i) the agreement was entered into on the basis of information that was false, misleading or incomplete in a material particular; or
 - (ii) the other party to the agreement has contravened a condition of the agreement; or

- (iii) the other party to the agreement is not, or is no longer, a suitable person to be a party to the agreement under section 164; or
- (b) the other party to the agreement is convicted of an offence against the Act and the chief executive considers the activities of the other party that led to the conviction are relevant to the other party's ability to conduct activities under the agreement in a competent and ethical way.

192 Notice for suspension or cancellation of agreement

Before suspending all or part of an authorisation under a commercial activity agreement or cancelling a commercial activity agreement under section 191 (the *proposed action*), the chief executive must give the other party to the agreement a notice stating the following matters—

- (a) the proposed action;
- (b) the ground for the proposed action;
- (c) an outline of the facts and circumstances forming the basis for the ground;
- (d) if the proposed action is suspension of all or part of the authorisation under the agreement—the proposed suspension period;
- (e) an invitation to make written representations, within a stated period of at least 20 business days after the notice is given, about why the proposed action should not be taken.

193 Decision on suspension or cancellation of agreement

- (1) The chief executive must consider any written representations made under section 192 within the stated period by the other party to the commercial activity agreement and decide whether or not—

-
- (a) if the proposed action was to suspend all or part of the authorisation under the agreement—to suspend the authorisation, or part of the authorisation, for not longer than the proposed suspension period; or
 - (b) if the proposed action was to cancel the agreement—to cancel the agreement or to suspend all or part of the authorisation under the agreement for a period.
- (2) If the chief executive decides to suspend all or part of the authorisation under the agreement or cancel the agreement, the chief executive must give the other party to the agreement an information notice for the decision.
 - (3) If the chief executive decides not to take the proposed action, the chief executive must give the other party to the agreement notice of the decision.
 - (4) A suspension or cancellation takes effect on the later of the following days—
 - (a) the day the information notice is given to the other party to the agreement;
 - (b) the day of effect stated in the information notice.

194 End of suspension or cancellation in particular circumstances

- (1) If a commercial activity agreement is cancelled because of the conviction of the other party to the agreement for an offence and the conviction is quashed, the cancellation stops having effect.
- (2) If all or part of the authorisation under a commercial activity agreement is suspended because of the conviction of the other party to the agreement for an offence and the conviction is quashed, the suspension ends on the day the conviction is quashed.

Part 6

Transfer of authorisation under agreement

195 Application to transfer authorisation

- (1) The other party to a commercial activity agreement (the *seller*) may transfer all or part of the authorisation under the agreement to another person (the *buyer*).
- (2) The seller and the buyer must apply to the chief executive to—
 - (a) approve the transfer; and
 - (b) if the chief executive approves the transfer—give effect to the transfer under this part.

196 Approval or non-approval of transfer

- (1) The chief executive may approve the transfer only if the chief executive is satisfied, having regard to the matters mentioned in section 164(2) and (3), that the buyer is a suitable person to be a party to the commercial activity agreement.
- (2) If the chief executive refuses to approve the transfer, the chief executive must give the seller and the buyer an information notice for the decision.

197 Giving effect to transfer

- (1) This section applies if—
 - (a) the chief executive approves the transfer; and
 - (b) if the buyer has to enter into a commercial activity agreement with the chief executive—the fee stated in schedule 8 for an application for the commercial activity agreement has been paid; and
 - (c) all amounts payable by the seller under the seller's commercial activity agreement have been paid.

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- (2) If the seller transfers all of the authorisation under the agreement, the chief executive must give effect to the transfer by cancelling the seller's agreement and—
 - (a) if the buyer is the other party to another commercial activity agreement—amending the other agreement to reflect the transfer; or
 - (b) if the buyer is not the other party to another commercial activity agreement—entering into, with the buyer, a commercial activity agreement to provide the authorisation.
 - (3) If the seller transfers only part of the authorisation under the agreement, the chief executive must give effect to the transfer by amending the seller's commercial activity agreement to reflect the transfer and—
 - (a) if the buyer is the other party to another commercial activity agreement—amending the other agreement to reflect the transfer; or
 - (b) if the buyer is not the other party to another commercial activity agreement—entering into, with the buyer, a commercial activity agreement to provide the authorisation the subject of the transfer.

Part 7

Requirement to have agreement or copy available for inspection

198 Agreement or copy must be available for inspection

- (1) A person acting under a commercial activity agreement must—
 - (a) have the following document available for inspection—
 - (i) if the person is a party to the agreement—the agreement, a copy of the agreement or a copy of the relevant details for the agreement;

- (ii) if the person is not a party to the agreement—a copy of the agreement, or a copy of the relevant details for the agreement, endorsed by a party to the agreement with the name and residential address of the person who is not a party to the agreement; and
- (b) if asked by a conservation officer, produce the document mentioned in paragraph (a) for inspection by the officer, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) In this section—

relevant details, for a commercial activity agreement, means the following details—

- (a) the names of the parties to the agreement;
- (b) the day on which the agreement was entered into;
- (c) the protected area, or part of the protected area, to which the agreement applies;
- (d) the activity authorised under the agreement.

Chapter 7 Access to, use of and conduct in protected areas

Part 1 Accessing and using particular areas

Division 1 Restricted areas

199 Unlawfully entering restricted access area

- (1) A person must not enter or remain in a restricted access area unless the person—
- (a) enters or remains in the area in a way permitted by the restricted access area notice for the area; or
 - (b) enters or remains in the area under a restricted access area permit authorising the entry; or
 - (c) enters or remains in the area under a prescribed authority specifically stating the entry to or the remaining in the area is authorised; or
 - (d) enters or remains in the area under the written approval of the chief executive; or
 - (e) otherwise—has a reasonable excuse.

Maximum penalty—120 penalty units.

- (2) In this section—
prescribed authority means—

- (a) a resources permit; or
- (b) an apiary permit; or
- (c) a stock grazing permit; or
- (d) a stock mustering permit; or
- (e) a permit to enter a national park (scientific); or

- (f) a commercial activity permit; or
- (g) an organised event permit; or
- (h) a commercial activity agreement.

200 Unlawfully entering area closed to the public

A person must not enter or remain in an area closed to the public unless the person has—

- (a) the written approval of the chief executive; or
- (b) a reasonable excuse.

Maximum penalty—120 penalty units.

201 Unlawfully entering national park (scientific)

A person must not enter or remain in a national park (scientific) unless the person is specifically authorised to enter or remain in the park under—

- (a) a permit to enter a national park (scientific); or
- (b) a resources permit for scientific purposes.

Maximum penalty—165 penalty units.

Division 2 Compliance with restrictions

202 Failing to comply with regulatory notices generally

- (1) A person in a protected area must comply with a regulatory notice applying to the area unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) Subsection (1) does not apply in relation to a regulatory notice displayed by the chief executive under section 20(2) if failure to comply with the notice is an offence against another provision of this regulation.

203 Compliance with conditions of authority

- (1) The holder of a protected area authority must comply with each condition of the authority that applies to the holder, unless the holder has a reasonable excuse.

Maximum penalty—165 penalty units.

- (2) A relevant person for the holder of a protected area authority must, unless the person has a reasonable excuse, comply with—
 - (a) each condition of the authority that applies to the person; and
 - (b) each condition of the authority that applies to the holder to the extent the person is acting for, or under the direction of, the holder in relation to the condition.

Maximum penalty—165 penalty units.

- (3) For subsection (1), the holder is taken to comply with a condition of the authority if a relevant person for the holder complies with the condition for the holder.
- (4) This section does not apply to a camping permit.

Note—

See section 221 about complying with conditions of camping permits.

204 Compliance with conservation agreement requirements

- (1) This section applies if—
 - (a) a landholder of land in a special wildlife reserve or nature refuge is subject to a conservation agreement; and
 - (b) the landholder is given notice by the chief executive that a requirement under the conservation agreement is a conservation requirement.
- (2) The landholder must comply with the conservation requirement unless the landholder has a reasonable excuse.

Maximum penalty—165 penalty units.

(3) In this section—

conservation requirement means 1 or more of the following requirements applying to a landholder of land subject to a conservation agreement—

- (a) to refrain from, or not to permit, an activity on the land;
- (b) to carry out a stated activity on the land.

205 Compliance with conservation conditions

A person acting under a commercial activity agreement must comply with each conservation condition to which the agreement is subject under section 167.

Maximum penalty—120 penalty units.

Part 2 Animals, plants and other natural materials

Division 1 Animals

206 Restrictions on animals

(1) A person must not—

- (a) bring a live animal into a protected area; or
- (b) keep a live animal in a protected area.

Maximum penalty—50 penalty units.

(2) Subsection (1) does not apply to—

- (a) a live animal brought into the area—
 - (i) under a stock grazing permit; or
 - (ii) for mustering stock under a stock mustering permit; or
 - (iii) under a travelling stock permit; or

- (iv) with the written approval of the chief executive; or
 - (b) a fish or mud crab brought into or kept in the area if the fish or mud crab is lawfully taken in the area or a place adjacent to the area; or
 - (c) an invertebrate animal brought into or kept in the area if the animal is lawfully taken in the area or a place adjacent to the area for use as bait for fishing; or
 - (d) a horse brought into a conservation park, a resources reserve or a national park for horse riding if—
 - (i) bringing the horse into the park or reserve is authorised under a regulatory notice; and
 - (ii) the horse is brought into the park or reserve in accordance with the notice; or
 - (e) a dog brought into a conservation park or resources reserve if—
 - (i) bringing the dog into the park or reserve is authorised under a regulatory notice; and
 - (ii) the dog is brought into the park or reserve in accordance with the notice; or
- Note—*
- See section 26 in relation to regulatory notices permitting dog-walking on conservation parks or resources reserves.
- (f) an animal brought into, or kept in, a special wildlife reserve under the management program for the reserve.
- (3) This section does not apply in relation to a nature refuge.

207 Dogs to be under control

- (1) This section applies to a person in charge of a dog who has lawfully brought the dog into a protected area.
- (2) The person must ensure the dog is under control while in the protected area.

Maximum penalty—20 penalty units.

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- (3) The person must, if the dog defecates in the protected area—
 - (a) immediately collect any faeces from the dog and enclose it in a secure bag or wrapping; and
 - (b) either—
 - (i) put the enclosed faeces in a litter bin in the area; or
 - (ii) if a litter bin is not available in the area—take the enclosed faeces to a litter bin outside the area.

Maximum penalty—20 penalty units.

- (4) This section does not apply in relation to a special wildlife reserve or nature refuge.
- (5) In this section—

under control, for a dog, means—

- (a) a person who is physically able to control the dog is holding the dog by a leash that is appropriate to restrain the dog; or
- (b) the dog—
 - (i) is securely tethered to a fixed object; and
 - (ii) is under the supervision of a person who is physically able to control the dog; or
- (c) the dog is being used to help in lawfully conducting an activity in a protected area and is under the instruction of the person conducting the activity; or
- (d) the dog is being transported in an enclosed vehicle, carry cage or other suitable closed container; or
- (e) the dog is being transported on the tray of a vehicle and is securely tethered so as to be confined to the tray.

208 Complying with direction to remove animal

- (1) A conservation officer may give a person in charge of an animal in a protected area an oral or a written direction to remove the animal from the area if the officer reasonably believes that the animal—

- (a) is unlawfully in the area; or
 - (b) has been causing a nuisance or disturbance in the area;
or
 - (c) is a danger to persons or wildlife in the area.
- (2) The person must, unless the person has a reasonable excuse—
- (a) remove the animal from the area; and
 - (b) ensure the animal is not returned to the area within 24 hours after its removal.

Maximum penalty—80 penalty units.

- (3) This section does not apply in relation to a nature refuge.

209 Unauthorised feeding of animals

- (1) A person must not feed an animal in a protected area unless the person feeds the animal—
- (a) under a protected area authority; or
 - (b) with the written approval of the chief executive.

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) if the circumstances mentioned in paragraphs (a) and (b) do not apply and the animal is dangerous, venomous or capable of injuring a person—40 penalty units; or
 - (d) if the circumstances in paragraphs (a), (b) and (c) do not apply and the offence is committed in a part of a protected area where a regulatory notice states feeding of the animal is prohibited—40 penalty units; or
 - (e) otherwise—20 penalty units.
- (2) Subsection (1) does not apply to a person feeding an animal lawfully brought into the protected area under the Act.

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- (3) This section applies in relation to an animal in a nature refuge or private coordinated conservation area if the animal is dangerous, venomous or capable of injuring a person.
- (4) In this section—
feed, an animal, includes attempt to feed the animal.

210 Food to be kept from animals

- (1) A person in a protected area must ensure food in the person's possession or under the person's control is kept—
 - (a) in a way that prevents animals that are dangerous, venomous or capable of injuring a person from gaining access to the food; and
 - (b) if a regulatory notice states the way in which the food must be kept—in the stated way.

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 into a protected area under the Act.
- (3) This section does not apply in relation to a special wildlife reserve or nature refuge.

211 Unauthorised disturbance of animals

- (1) A person must not disturb an animal in a protected area.

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) if the circumstances mentioned in paragraphs (a) and (b) do not apply and the animal is dangerous, venomous or capable of injuring a person—40 penalty units; or
 - (d) if the circumstances mentioned in paragraphs (a), (b) and (c) do not apply and the offence is committed in a part of a protected area where a regulatory notice states disturbance of the animal is prohibited—40 penalty units; or
 - (e) otherwise—20 penalty units.
- (2) Subsection (1) does not apply to a person who disturbs an animal—
- (a) under a protected area authority or with the written approval of the chief executive; or
 - (b) in the course of a lawful activity not directed towards the disturbance if the disturbance could not reasonably have been avoided.
- (3) This section applies in relation to an animal in a special wildlife reserve, nature refuge or private coordinated conservation area if the animal is dangerous, venomous or capable of injuring a person.
- (4) In this section—
- disturb***, an animal, includes approach, harass, lure, pursue, tease and touch the animal.

212 Conduct if estuarine crocodiles are or may be present

- (1) A person must not, unless the person has a reasonable excuse, swim in a part of a protected area if a sign near the part gives a warning, in any form, of the possible presence of estuarine crocodiles.

Maximum penalty—100 penalty units.

- (2) A person must not, unless the person has a reasonable excuse, swim in a part of a protected area that the person knows, or ought reasonably to know, is a place where estuarine crocodiles have been frequently sighted.

Maximum penalty—100 penalty units.

- (3) A person must not, unless the person has a reasonable excuse, stand knee-high or more than knee-high in water in a protected area that the person knows, or ought reasonably to know, is water in which estuarine crocodiles normally live.

Maximum penalty—100 penalty units.

- (4) For subsection (3), it is a reasonable excuse for a person to stand knee-high or more than knee-high in water in a protected area if the person needs to stand in the water for a brief period to conduct another activity that the person is authorised to conduct in the protected area.

Example for subsection (4)—

standing in water to get into or out of a boat being used to conduct an activity the person is authorised to conduct in the protected area

- (5) This section does not apply in relation to a special wildlife reserve or nature refuge.

Division 2 Grazing stock

213 Unlawfully grazing stock or other animals

- (1) A person must not graze stock or other animals in a protected area unless the grazing is authorised—
- (a) under a lease, agreement, licence, permit or other authority under section 36 or 43H of the Act; or
 - (b) under a stock grazing permit; or
 - (c) by a written permission for conducting a controlling activity given under section 73.

Maximum penalty—165 penalty units.

- (2) This section does not apply in relation to a nature refuge.

214 Unlawfully mustering stock

- (1) A person must not muster stock in a protected area unless the mustering is authorised—
 - (a) under a stock mustering permit; or
 - (b) on a part of the area on which the person may lawfully graze the stock under another Act; or
 - (c) as part of a general muster conducted by the chief executive under section 44.

Maximum penalty—120 penalty units.

- (2) Subsection (3) applies if—
 - (a) a stock mustering permit states the holder of the permit may use a horse or stated breed of dog to muster stock under the permit; and
 - (b) the holder of the permit, or a relevant person for the holder, brings a horse or dog into a protected area under the permit.
- (3) The holder or relevant person must restrain the horse or dog when the holder or person is not using the horse or dog to muster stock under the stock mustering permit.

Maximum penalty—120 penalty units.

- (4) This section does not apply in relation to a nature refuge.

215 Unlawfully travelling stock

- (1) A person must not travel stock in a protected area unless—
 - (a) the person travels stock in the area—
 - (i) under a travelling stock permit; or
 - (ii) to or from land in the area on which the person may lawfully graze the stock under another Act; or
 - (b) the person has otherwise lawfully brought the stock into the protected area under the Act.

Maximum penalty—120 penalty units.

- (2) This section does not apply in relation to a nature refuge.

216 Unlawfully travelling other animals

- (1) A person must not travel animals other than stock in a protected area unless—
- (a) the person is travelling a horse or dog under a stock mustering permit authorising the use of the horse or dog for mustering stock under the permit; or
 - (b) the person has otherwise lawfully brought the animal into the protected area under the Act.

Maximum penalty—120 penalty units.

- (2) This section does not apply in relation to a nature refuge.

217 Allowing stock to stray into protected area

A person in charge of stock on land adjoining or near a protected area must take all reasonable steps to ensure the stock does not stray into the protected area.

Maximum penalty—165 penalty units.

Division 3 Plants and other natural materials

218 Unlawfully bringing plants into protected areas

- (1) A person must not bring a plant into a protected area unless—
- (a) the plant is for consumption by humans as food; or
 - (b) the person brings the plant into the area in accordance with the written approval of the chief executive; or
 - (c) the plant is for use as firewood and the person brings the plant into the area in accordance with a protected area authority held by the person or a regulatory notice; or
 - (d) the plant is for consumption by an animal lawfully brought into the area; or

- (e) the plant remains securely stored in or on a vehicle or boat at all times while the plant is in the area; or
- (f) the protected area is a special wildlife reserve and the person brings the plant into the reserve in accordance with the management program for the reserve.

Maximum penalty—50 penalty units.

- (2) Without limiting subsection (1)(e), a plant is securely stored in or on a vehicle or boat if it is kept in or on the vehicle or boat in a way that ensures no part of the plant is spread or released into a protected area, including, for example, by keeping the plant covered at all times in the cabin of the vehicle or boat.
- (3) This section does not apply in relation to a nature refuge.

219 **Unauthorised collection of natural material**

- (1) A person must not collect natural material in a protected area.

Maximum penalty—100 penalty units.

Examples of collecting—

gathering sticks or branches for firewood, picking flowers for a bouquet, gathering shells for art, stacking rocks into a sculpture

- (2) Subsection (1) does not apply to a person who—
 - (a) collects natural material under an authority, agreement or exemption under the Act; or
 - (b) collects natural material in the course of a lawful activity not directed towards the collection, if the collection could not reasonably have been avoided.
- (3) In this section—

natural material means a plant, rock, shell or soil.

Part 3 Camping

220 Unlawful camping

- (1) A person must not camp in a protected area unless—
 - (a) the person is camping under—
 - (i) a camping permit for the area; or
 - (ii) a commercial activity permit, a commercial activity agreement or an organised event permit specifically authorising the camping; or
 - (b) the person—
 - (i) is conducting activities under another protected area authority that applies to the area; and
 - (ii) has the written approval of the chief executive to camp in the area or is accompanying a person who has the approval.

Maximum penalty—20 penalty units.

- (2) For subsection (1)(a)(i), a person other than the holder of a camping permit is taken not to be camping under the permit if the number of persons accompanying the holder is more than the number of persons authorised to camp under the permit.
- (3) A person must not camp in a protected area or part of a protected area if a regulatory notice applying to the area or part prohibits the camping.

Maximum penalty—80 penalty units.

- (4) This section does not apply in relation to a special wildlife reserve or nature refuge.

221 Compliance with conditions of camping permit

A person camping under a camping permit must comply with the conditions of the permit.

Maximum penalty—10 penalty units.

222 Requirement about number of persons who may camp under permit or approval

The holder of a camping permit for a protected area, or the holder of a written approval from the chief executive authorising camping in a protected area, must not allow more people to camp in the area under the permit or approval than the number stated in the permit or approval.

Maximum penalty—20 penalty units.

223 Displaying camping tags

- (1) A person camping under a camping permit must, immediately after the person starts camping, display the camping tag for the permit by attaching it in a conspicuous position to—
 - (a) a tent, caravan or another structure being used for camping under the permit; or
 - (b) if no tent, caravan or structure is being used for camping under the permit—a vehicle or equipment being used for camping under the permit.

Maximum penalty—10 penalty units.

- (2) The person must take reasonable steps to ensure the camping tag remains displayed at the camp site where the person is camping while the person is camping under the permit.

Maximum penalty—10 penalty units.

224 Displaying details on camping tags

- (1) The holder of a camping permit must ensure the following details are displayed on a camping tag being used for camping under the permit—
 - (a) the holder's name;
 - (b) the number identifying the permit;
 - (c) the camping area for which the permit is granted;

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- (d) the days on which the holder is authorised to arrive and depart under the permit;
- (e) the number of persons authorised to camp under the permit.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to a holder of a camping permit if—
 - (a) the holder prints on paper a camping tag provided electronically to the holder by the chief executive; and
 - (b) the camping tag displays all the details provided electronically by the chief executive.

225 Tampering with camping tags

- (1) A person must not tamper with a camping tag displayed on a tent, caravan, structure, vehicle or other equipment being used for camping in a camping area, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) In this section—

tamper with, a camping tag, means—

- (a) remove, damage or destroy the tag; or
- (b) change anything written on the tag.

226 Unattended camp sites

- (1) This section applies to a person authorised to camp at a camp site in a camping area under a camping permit.
- (2) The person must not, without a reasonable excuse—
 - (a) fail to attend the camp site for more than 24 hours after 2pm on the day the camping permit starts; or
 - (b) leave the person's possessions or camping equipment unattended at the camp site for more than 24 hours.

Maximum penalty—20 penalty units.

227 Complying with direction to leave protected area for protection, safety or minimising disturbance

- (1) This section applies if a conservation officer reasonably believes it is necessary for a person camping in a protected area, and anyone camping with the person, to leave the area to—
 - (a) protect cultural or natural resources of the area; or
 - (b) secure the safety of a person or property; or
 - (c) minimise disturbance to other people in the area.
- (2) The conservation officer may give the person a written direction stating the person, and anyone camping with the person, must immediately—
 - (a) leave the protected area; and
 - (b) remove all possessions and camping equipment from the person's camp site.
- (3) In giving the direction the conservation officer must—
 - (a) advise the reason why the direction is given; and
 - (b) warn the person to whom it is given, and anyone camping with the person, that it is an offence to fail to comply with the direction unless the person has a reasonable excuse.
- (4) The conservation officer's failure to comply with subsection (3) does not affect the validity of the direction.
- (5) A person to whom a direction under subsection (2) applies must comply with the direction, unless the person has a reasonable excuse.

Maximum penalty for subsection (5)—80 penalty units.

228 Complying with direction to leave camp site

- (1) This section applies to a person camping at a camp site in a protected area, and anyone camping with the person, if a conservation officer reasonably believes that the person, or anyone camping with the person—
 - (a) has left camping equipment at the site for 30 days or more; or
 - (b) is causing the degradation of the natural condition of any part of the protected area with the presence of camping equipment; or
 - (c) is camping in a way that is causing a health or safety risk.
- (2) The conservation officer may give the person a written direction stating the person, and anyone camping with the person, must do 1 or more of the following—
 - (a) leave the camp site;
 - (b) remove their possessions and camping equipment from the site;
 - (c) not return, for a stated period, to camp at the site or at a stated camping area.
- (3) The direction must—
 - (a) state the reason why the direction is given; and
 - (b) include a warning that it is an offence to fail to comply with the direction.
- (4) The conservation officer's failure to comply with subsection (3) does not affect the validity of the direction.
- (5) A person to whom a direction applies under subsection (2) must comply with the direction.

Maximum penalty for subsection (5)—80 penalty units.

Part 4 Fires

229 Unlawful lighting of fires

- (1) A person must not light a fire or a type of fire in a protected area or part of a protected area if the area or part is within a fire ban area under the *Fire Services Act 1990*.

Maximum penalty—165 penalty units.

- (2) A person must not light a fire or a type of fire in a protected area or part of a protected area if lighting the fire or the type of fire is prohibited in the area or part by—

- (a) a management program; or
- (b) a regulatory notice; or
- (c) a condition of a permit held by the person; or
- (d) a condition of a commercial activity agreement to which the person is a party; or
- (e) another authority under the Act held by the person.

Maximum penalty—165 penalty units.

- (3) A person permitted to light a fire in a protected area must not light a fire in the area other than—

- (a) in a place at which a barbecue or fireplace has been provided by the chief executive; or
- (b) if no barbecue or fireplace is provided—in a place that is more than 2m from flammable material.

Maximum penalty—165 penalty units.

- (4) Subsection (2) does not apply to—

- (a) a person lighting a fire with the written approval of the chief executive; or
- (b) a person lighting a fire in a specified cooking or heating appliance or lighting a fire to use a smoking product if the person takes all reasonable steps to ensure the lighting does not result in damage to—

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- (i) a cultural or natural resource of the protected area;
or
 - (ii) a person's property in the protected area.
- (5) Also, subsection (2) does not apply in relation to a nature refuge.
- (6) Subsection (3) does not apply in relation to a special wildlife reserve or nature refuge.
- (7) In this section—

light, a fire, includes keep or use a fire.

smoking product see the *Tobacco and Other Smoking Products Act 1998*, section 88.

230 Extinguishing fires

- (1) A person who lights or assumes control of a fire in a protected area must put the fire out before leaving the fire.
Maximum penalty—165 penalty units.
- (2) Subsection (1) does not apply to a person who lights or assumes control of a fire if someone else assumes control of the fire before the person leaves the fire.
- (3) For subsection (1), a person puts out a fire only if the person ensures—
 - (a) there are no embers or hot coals remaining where the fire was lit; and
 - (b) there is no glow of light emanating from where the fire was lit; and
 - (c) there is insufficient heat emanating from where the fire was lit to reignite or cause injury to a person.
- (4) This section does not apply in relation to a nature refuge.

231 Depositing things relating to fires

- (1) A person must not deposit any of the following things in a protected area—
 - (a) a cigar, cigarette, match, pipe or tobacco that is lit;
 - (b) hot ashes;
 - (c) a burning or smouldering substance;
 - (d) a substance or device that ignites on impact or by spontaneous combustion.

Maximum penalty—165 penalty units.

- (2) Subsection (1) does not apply to a person placing a thing mentioned in subsection (1) for the purpose of—
 - (a) lighting or using a specified cooking or heating appliance; or
 - (b) lighting a barbecue or fireplace provided by the chief executive; or
 - (c) if no barbecue or fireplace is provided by the chief executive for the area—lighting a fire in a place that is more than 2m from flammable material.
- (3) A person must not deposit non-combustible material in a fire in a protected area.

Example of non-combustible material—

bottle, brick, can, piece of steel

Maximum penalty—50 penalty units.

- (4) This section does not apply in relation to a nature refuge.

232 Conservation officer's powers in relation to fires

- (1) This section applies if a conservation officer reasonably believes a fire in a protected area is, or may become, a hazard to the area, a person or the property of a person.

Example—

a conservation officer reasonably believes a prevailing strong wind is likely to carry wind-borne embers away from the fire

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- (2) The conservation officer may—
 - (a) give a person apparently in charge of the fire a direction to put out the fire, or lower its intensity, in the way directed; or
 - (b) put out the fire.
- (3) A person given a direction under subsection (2)(a) must comply with the direction.
Maximum penalty—165 penalty units.
- (4) This section does not apply in relation to a nature refuge.

Part 5 Structures or works

233 Unauthorised structures and works

A person must not erect or keep a structure or carry out works in a protected area unless erecting or keeping the structure or carrying out the works—

- (a) is authorised by the written approval of the chief executive; or
- (b) is for a camping structure that is erected or kept under a camping permit; or
- (c) if the protected area is a special wildlife reserve—
 - (i) is authorised under the conservation agreement for the reserve; or
 - (ii) is consistent with the management program for the reserve; or
- (d) if the protected area is a nature refuge—is authorised under the conservation agreement for the refuge.

Maximum penalty—165 penalty units.

234 Complying with direction to remove unauthorised structures or works

- (1) This section applies if the chief executive or a conservation officer reasonably believes that a person has erected or is keeping a structure or has carried out works in a protected area in contravention of section 233.
- (2) A conservation officer may give the person a written direction to—
 - (a) remove the structure or works, and anything in the structure, and restore the place from which it is removed as nearly as practicable to its former state; or
 - (b) if the works can not be removed—stabilise or rehabilitate the works or the place where the works are situated.

Example for paragraph (b)—

A person who has, without the written approval of the chief executive, constructed a walking track in a protected area may be given a written direction to rehabilitate the part of the area in which the track is constructed.

- (3) A person given a direction under subsection (2) must comply with the direction unless the person has a reasonable excuse.

Maximum penalty—165 penalty units.

Part 6 Vehicles, boats and other crafts

Division 1 Restrictions on use

Subdivision 1 Licensing and registration

235 Licensing requirement for driving or riding vehicles or operating boats

- (1) A person must not drive or ride a vehicle or operate a boat in a protected area unless the person holds the required licence to drive or ride the vehicle or operate the boat.

Maximum penalty—20 penalty units.

- (2) If asked by a conservation officer, the person must produce the licence for inspection by the officer unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (3) This section does not apply in relation to a special wildlife reserve or nature refuge.

- (4) In this section—

required licence—

- (a) to drive or ride a vehicle—means a licence required under a vehicle registration Act to drive or ride the vehicle on a road; or
- (b) to operate a boat—means a licence required under the *Transport Operations (Marine Safety) Act 1994* to operate the boat on water.

236 Restrictions on unregistered vehicles

- (1) A person must not bring an unregistered vehicle into, or drive or ride an unregistered vehicle in, a protected area.

Maximum penalty—20 penalty units.

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- (2) Subsection (1) does not apply to a person bringing an unregistered vehicle into a protected area if the person—
- (a) is authorised under the Act to bring the vehicle into the area; or
- (b) has a reasonable excuse.
- (3) This section does not apply in relation to a special wildlife reserve or nature refuge.
- (4) In this section—

bring, an unregistered vehicle into a protected area, does not include drive or ride the vehicle into the area.

unregistered vehicle means a vehicle that—

- (a) is required to be registered under a vehicle registration Act to lawfully operate the vehicle on a road; and
- (b) has not been registered under a vehicle registration Act.

237 Number plate identification requirements for vehicles

- (1) A person must not drive or ride a vehicle in a protected area if—
- (a) a required number plate for the vehicle is not attached to the vehicle; or
- (b) any writing that identifies the vehicle on a required number plate for the vehicle is not clearly legible.

Maximum penalty—20 penalty units.

- (2) A person does not commit an offence against subsection (1) if the person has a reasonable excuse.
- (3) This section does not apply in relation to a special wildlife reserve or nature refuge.
- (4) In this section—

required number plate, for a vehicle, means a number plate required to be attached to the vehicle under a vehicle registration Act to operate the vehicle on a road.

238 Approval requirement for driving or riding conditionally registered vehicles

- (1) A person must not drive or ride a conditionally registered vehicle in a protected area without the written approval of the chief executive.

Maximum penalty—20 penalty units.

- (2) The chief executive may give an approval mentioned in subsection (1) to a person only if the chief executive considers the conditionally registered vehicle to which the approval applies is to be used—

- (a) by the person for any of the following purposes in a protected area—

- (i) for an emergency or rescue activity;
- (ii) for enforcing a law of the State;
- (iii) for the management of the area;
- (iv) for a commercial purpose authorised under the Act;

Examples—

- conducting a commercial activity under a commercial activity permit or commercial activity agreement
 - mustering stock under a stock mustering permit
- (v) for supporting an organised event conducted under an organised event permit;
- (vi) for providing a service to users of the area;
- (vii) for the sole purpose of going directly through the area to or from land outside the area if—
- (A) the person owns, occupies or is authorised to enter the land; and
 - (B) the chief executive considers the most direct and reasonable route to or from the land is through the area; or

- (b) by the person because they are suffering from a permanent condition that is significantly restricting their mobility.
- (3) However, the chief executive must not give an approval for a purpose mentioned in subsection (2)(a)(iv) to (vii) or (2)(b) if the chief executive considers the use of the conditionally registered vehicle to which the approval applies would be likely to—
 - (a) cause unreasonable damage to a cultural resource of the area; or
 - (b) have a significant adverse effect on a natural resource of the area; or
 - (c) pose a serious risk to the health or safety of the public in the area.
- (4) For applying subsection (2)(b), the chief executive may ask a person to give the chief executive a medical certificate or other document issued by a doctor to verify the nature of the person's condition.
- (5) This section does not apply in relation to a special wildlife reserve or nature refuge.
- (6) In this section—

conditionally registered vehicle means a vehicle that is conditionally registered under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*.

Subdivision 2 Safe use

239 Safe use of vehicles by reference to Queensland Road Rules

- (1) This section applies in relation to an act or omission that, if done or made on a road, would contravene any of the following provisions of the Queensland Road Rules (each a ***road rule***)—

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- (a) section 246A;
 - (b) section 256;
 - (c) section 256A;
 - (d) section 264;
 - (e) section 264A;
 - (f) section 265;
 - (g) section 268;
 - (h) section 270;
 - (i) section 271(4) or (5);
 - (j) section 271A.
- (2) A person commits an offence against this section if the person does the act or makes the omission in a protected area, whether or not on a road in the area.
- Maximum penalty—20 penalty units.
- (3) To remove any doubt, it is declared that a person can not be punished for an offence against this section for an act or omission in relation to a road rule if the person has already been punished for an offence against the road rule for the same act or omission.
- (4) This section does not apply in relation to a special wildlife reserve or nature refuge.

240 Safe use of vehicles by reference to Transport Operations (Road Use Management) Act 1995

- (1) This section applies in relation to an act or omission that, if done or made on a road, would contravene either of the following provisions of the *Transport Operations (Road Use Management) Act 1995* (each a **road use provision**)—
- (a) section 83(1), other than an act or omission mentioned in paragraph (a) or (b) of the penalty for that section;
 - (b) section 84(2).

- (2) A person commits an offence against this section if the person does the act or makes the omission in a protected area, whether or not on a road in the area.

Maximum penalty—20 penalty units.

- (3) To remove any doubt, it is declared that a person can not be punished for an offence against this section for an act or omission in relation to a road use provision if the person has already been punished for an offence against the road use provision for the same act or omission.
- (4) This section does not apply in relation to a special wildlife reserve or nature refuge.

241 Requirements for carrying passengers

- (1) A person must not ride or travel in or on something being towed by a moving motor vehicle in a protected area.

Maximum penalty—20 penalty units.

- (2) A person must not carry a passenger, or travel as a passenger, on a relevant motor vehicle in a protected area other than on a passenger seat for the vehicle.

Maximum penalty—20 penalty units.

- (3) This section does not apply in relation to a special wildlife reserve or nature refuge.

- (4) In this section—

motor vehicle see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

relevant motor vehicle means each of the following—

- (a) a motorbike under the *Transport Operations (Road Use Management) Act 1995*, schedule 4;
- (b) a quad bike under the Queensland Road Rules, schedule 5;
- (c) a utility off-road vehicle under the Queensland Road Rules, schedule 5.

242 Appropriate places for using vehicles, boats or recreational craft

- (1) A person must not, in a protected area—
- (a) drive or ride a vehicle into a place, or move a vehicle into a place, if a barrier or fence has been lawfully placed to prevent entry into the place; or
 - (b) park or stand a vehicle at a place designated for parking in a way that does not conform with ground or surface markings used for ordering the parking and standing of vehicles.

Maximum penalty—20 penalty units.

- (2) A person must not drive or ride a vehicle in, or move a vehicle into, a part of a protected area unless—
- (a) the part is an appropriate area for driving or riding the vehicle; or
 - (b) the vehicle is driven, ridden or moved in accordance with an authority or written approval of the chief executive.

Maximum penalty—20 penalty units.

- (3) A person does not commit an offence against this section if the person has a reasonable excuse.
- (4) This section does not apply in relation to a special wildlife reserve or nature refuge.
- (5) In this section—

appropriate area, for driving or riding a vehicle, means an area that is—

- (a) a road; or
- (b) a route or surface that a regulatory notice states is a route or surface along or on which the type of vehicle may be driven or ridden.

243 Other requirements for using vehicles, boats or recreational craft

- (1) A person must not, in a protected area—
- (a) drive or ride a vehicle, boat or recreational craft at a speed or in a way that causes or may cause damage to the area; or
 - (b) use a vehicle, boat or recreational craft in a way that disrupts or may disrupt someone else's enjoyment of the area; or
 - (c) park or stand a vehicle, or moor a boat, in a way or in a place that may—
 - (i) obstruct or prevent the free passage of another vehicle; or
 - (ii) cause damage to or disturb the area.

Maximum penalty—20 penalty units.

- (2) This section does not apply in relation to a special wildlife reserve or nature refuge.

244 Safe use of boats and recreational craft

- (1) A person must not, in a protected area—
- (a) operate a boat in a way that causes or may cause the boat to swerve, veer or turn violently; or
 - (b) operate a boat or recreational craft in a way that causes or may cause—
 - (i) danger to the person; or
 - (ii) danger or fear to someone else.

Maximum penalty—20 penalty units.

- (2) This section does not apply in relation to a special wildlife reserve or nature refuge.

Subdivision 3 Other matters

245 Traffic control for vehicles, boats and recreational craft

- (1) The chief executive may display a sign, or place a marking, at a place in a protected area regulating the use of a vehicle, boat, recreational craft or a type of vehicle, boat or recreational craft in the place.
- (2) Without limiting subsection (1), the sign or marking may—
 - (a) state a speed limit; or
 - (b) mark a pedestrian crossing; or
 - (c) state a part of a place where the use, or a particular use, of the vehicle, boat or recreational craft or the type of vehicle, boat or recreational craft is prohibited or restricted; or
 - (d) state a part of a place where—
 - (i) a person may use a vehicle, boat or recreational craft only if they are authorised to do so; or
 - (ii) a vehicle, boat or recreational craft may be used only if the use is authorised.
- (3) An official traffic sign installed in a protected area under the *Transport Operations (Road Use Management) Act 1995* is taken to be a sign displayed under subsection (1).
- (4) A person in control of a vehicle, boat or recreational craft in a protected area must comply with a sign or marking displayed under subsection (1).

Maximum penalty—20 penalty units.
- (5) For subsection (4), if the sign is an official traffic sign, a person complies with the subsection only if the person complies with the indication given by the sign.
- (6) If a sign displayed under subsection (1) at a place states a person may use a vehicle only if they are authorised to do so, a person so authorised who is using a vehicle in the place must comply with the authority.

Maximum penalty—20 penalty units.

- (7) If a sign displayed under subsection (1) at a place states a vehicle may be used only if the use is authorised, a person in the place who is in control of a vehicle so authorised must comply with the authority.

Maximum penalty—20 penalty units.

- (8) This section does not apply in relation to a special wildlife reserve or nature refuge.
- (9) In this section—

authorised means authorised in writing by the chief executive.

indication see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

official traffic sign see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

246 **Complying with direction about use of vehicle, boat, aircraft or recreational craft**

- (1) This section applies to a person in control of a vehicle, boat, aircraft or recreational craft (each a ***craft***) in a protected area.
- (2) If the conservation officer reasonably believes it is necessary, the officer may give the person an oral or written direction regulating or prohibiting the driving, riding, flying, parking, mooring or use of the craft, including for 1 or more of the following purposes—
- (a) preventing or remedying any harm to, or loss or destruction of, the cultural or natural resources of the area;
 - (b) securing the safety of a person or a person's property;
 - (c) minimising disturbance to persons in the area.
- (3) A direction may be given in a way that sufficiently shows the conservation officer's intention.

Example—

by use of a sign or signal

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- (4) Without limiting subsection (2), a direction may require the person to remove the craft from the protected area.
- (5) The person must comply with a direction given to the person, unless the person has a reasonable excuse.
Maximum penalty—80 penalty units.
- (6) It is not a reasonable excuse for subsection (5) that the direction is inconsistent with a protected area authority the person holds.
- (7) This section does not apply in relation to a special wildlife reserve or nature refuge.

Division 2 Unauthorised uses

247 Unauthorised use of recreational craft generally

- (1) A person must not use or operate a recreational craft in a protected area unless the use or operation is authorised under a permit to use recreational craft.
Maximum penalty—80 penalty units.
- (2) This section does not apply in relation to a special wildlife reserve or nature refuge.

248 Unauthorised flying of aircraft or recreational craft

- (1) A person must not fly any type of aircraft or recreational craft over a protected area, or part of a protected area, stated in schedule 7, part 1, column 1 at a height less than the minimum height stated opposite the area or part in schedule 7, part 1, column 2.
Maximum penalty—120 penalty units.
- (2) Also, a person must not fly any type of aircraft or recreational craft over a protected area, or part of a protected area, stated in schedule 7, part 2, column 1 at a height less than the minimum height stated opposite the area or part in schedule 7, part 2,

column 2 during the period stated opposite the area or part in schedule 7, part 2, column 3.

Maximum penalty—120 penalty units.

(3) Subsections (1) and (2) do not apply to—

(a) an aircraft that is a drone; or

Note—

See section 250 about the unauthorised possession and operation of drones.

(b) a person flying aircraft or recreational craft over a protected area, or part of a protected area, if the flying—

(i) is necessary for carrying out an emergency or rescue activity; or

(ii) is authorised by the written approval of the chief executive.

(4) This section does not apply in relation to a special wildlife reserve or nature refuge.

249 Unauthorised landing of aircraft or recreational craft

(1) A person must not land an aircraft or recreational craft in a protected area unless the landing—

(a) is on a designated landing area for an aircraft or recreational craft or the type of aircraft or recreational craft; or

(b) has been authorised by the written approval of the chief executive; or

(c) is necessary for an emergency or rescue activity.

Examples for paragraph (c)—

- the landing of an aircraft involved in a medivac
- the landing of a fire-fighting helicopter

Maximum penalty—120 penalty units.

(2) This section does not apply in relation to an aircraft that is a drone.

Note—

See section 250 about the unauthorised possession and operation of drones.

- (3) This section does not apply in relation to a special wildlife reserve or nature refuge.

- (4) In this section—

designated landing area, for an aircraft or recreational craft or a type of aircraft or recreational craft, means the area—

- (a) designated by the chief executive as an appropriate landing area for the aircraft or recreational craft or the type of aircraft or recreational craft; and
- (b) details of which are published on the department's website.

250 Unauthorised possession or operation of drones

- (1) A person must not, without a reasonable excuse—

- (a) possess or operate a drone in a drone restriction area; or
- (b) operate a drone in a drone restriction area from a location adjacent to the area.

Maximum penalty—50 penalty units.

- (2) Subsection (1) does not apply to—

- (a) a person possessing or operating a drone in a drone restriction area—
 - (i) under an authority or agreement under the Act; or
 - (ii) for an emergency or rescue activity; or
- (b) a person possessing a drone in a drone restriction area if the drone is securely stored in a container in or on an aircraft, vehicle or vessel.

- (3) This section does not apply in relation to a special wildlife reserve or nature refuge.

- (4) In this section—

drone restriction area means—

- (a) a camping area; or
- (b) another part of a protected area in which a regulatory notice prohibits the operation of a drone.

operate, a drone, includes film or photograph with the drone.

Part 7 Waste and other damage

Division 1 Pollution

251 Polluting dams, lakes or watercourses

- (1) A person must not pollute a dam, lake or watercourse in a protected area.

Maximum penalty—120 penalty units.

- (2) Without limiting subsection (1), a person pollutes a dam, lake or watercourse if the person—
 - (a) discharges waste from a boat into the dam, lake or watercourse; or
 - (b) uses soap, detergent or shampoo in the dam, lake or watercourse; or
 - (c) puts oil, grease or a harmful or dangerous substance in the dam, lake or watercourse; or
 - (d) washes a cooking utensil, clothing, vehicle or other thing in the dam, lake or watercourse.

252 Dumping or abandoning vehicles, boats, aircraft or recreational craft

- (1) A person must not dump or abandon a vehicle, boat, aircraft or recreational craft, or a part of a vehicle, boat, aircraft or recreational craft, in a protected area.

Maximum penalty—120 penalty units.

- (2) This section does not apply in relation to a special wildlife reserve or nature refuge.

253 Dumping or abandoning waste materials

- (1) A person must not dump or abandon used or waste materials, including, for example, building materials, fencing materials, drums or vegetation, in a protected area.

Maximum penalty—120 penalty units.

- (2) A person must not, in a protected area—
- (a) defecate within the prescribed minimum distance of a lake, watercourse or walking track in the area, other than in a toilet provided by the chief executive; or
 - (b) bury human waste within the prescribed minimum distance of any of the following—
 - (i) a lake or watercourse;
 - (ii) an occupied or established camp site;
 - (iii) a site designated by a regulatory notice as a camp site;
 - (iv) a walking track or other public facility; or
 - (c) leave human waste unburied.

Maximum penalty—50 penalty units.

- (3) This section does not apply in relation to a special wildlife reserve or nature refuge.
- (4) In this section—

prescribed minimum distance means—

- (a) 10m; or
- (b) if a regulatory notice for a protected area or part of a protected area states a longer minimum distance for the area or part—the longer minimum distance.

254 Unlawful use of offensive and harmful substances

- (1) A person must not use a herbicide or pesticide in a protected area without the written approval of the chief executive.

Maximum penalty—120 penalty units.

- (2) A person must not use another noxious, offensive or harmful substance in a protected area.

Maximum penalty—120 penalty units.

- (3) This section does not apply to a person doing an act mentioned in subsection (1) or (2) if doing the act is authorised—

- (a) for a special wildlife reserve—under a conservation agreement or management program for the reserve; or
- (b) for a nature refuge—under a conservation agreement for the refuge or written approval of the chief executive.

255 Unlawful disposal of offensive and harmful substances

- (1) A person must not bury or otherwise dispose of or leave a noxious, offensive or harmful substance in a protected area.

Maximum penalty—120 penalty units.

- (2) A person must not, without the written approval of the chief executive, bury or otherwise dispose of or leave the offal, carcass or skeleton of an animal in a protected area.

Maximum penalty—120 penalty units.

- (3) This section does not apply to a person doing an act mentioned in subsection (1) or (2) if doing the act is authorised under the management program for a special wildlife reserve.

- (4) This section does not apply in relation to a nature refuge.

Division 2 Litter

256 Dangerous littering

- (1) A person must not deposit waste in a protected area that causes, or is likely to cause, harm to a person, property or the environment.

Examples—

- throwing a vape into vegetation
- smashing a bottle and leaving the broken glass in a camping area
- leaving a syringe on a walking track

Maximum penalty—40 penalty units.

- (2) This section does not apply in relation to a special wildlife reserve or nature refuge.

257 Depositing litter brought into protected areas

- (1) This section applies to litter brought into a protected area by a person.
- (2) The person, or anyone accompanying the person, must not deposit the litter in the protected area unless the person has a reasonable excuse.

Example of a reasonable excuse—

collecting litter from public land adjacent to a protected area and bringing the litter into the area to deposit it in a litter bin

Maximum penalty—30 penalty units.

- (3) This section does not apply in relation to a special wildlife reserve or nature refuge.

258 Depositing other litter

- (1) This section applies to litter other than litter brought into a protected area.
- (2) If there are litter bins in a protected area, a person must not—

- (a) deposit litter in the area other than in a litter bin; or
- (b) deposit litter in contravention of a regulatory notice.

Maximum penalty—30 penalty units.

- (3) If there are no litter bins in a protected area, a person must not deposit litter in the area.

Maximum penalty—30 penalty units.

- (4) This section does not apply in relation to a special wildlife reserve or nature refuge.

259 Complying with direction about litter

- (1) A conservation officer may give an oral or written direction to a person to remove the person's litter from a protected area even if there is a litter bin in the area.

Example of when a direction under subsection (1) may be given—

when all the litter bins in a protected area are full

- (2) The person must comply with the direction.

Maximum penalty—30 penalty units.

- (3) This section does not apply in relation to a special wildlife reserve or nature refuge.

Division 3 Other damage

260 Misusing water

- (1) A person must not, in a protected area—
 - (a) take water from a lake, watercourse or other water storage, other than—
 - (i) for personal use within the area; or
 - (ii) to water an animal the person lawfully brought into the area; or
 - (b) dam or divert a watercourse; or

- (c) tamper with or damage a water supply or water storage facility; or

Examples of water supply or water storage facilities—

dam, water pipeline, water pump, water tank

- (d) allow water from a tap to run to waste.

Maximum penalty—

- (a) if a circumstance mentioned in paragraph (a), (b) or (c) applies—120 penalty units; or
- (b) if a circumstance mentioned in paragraph (d) applies—50 penalty units.

- (2) Subsection (1) does not apply to—

- (a) a person doing an act mentioned in subsection (1) if doing the act is authorised under—
 - (i) the Act; or
 - (ii) the management program for a special wildlife reserve; and
- (b) a person conducting a lawful activity not directed towards doing an act in contravention of the subsection if the contravention could not have been reasonably avoided.

- (3) This section does not apply in relation to a nature refuge.

261 Defacing cultural or natural resources

A person must not deface a cultural or natural resource in a protected area.

Examples—

carving words into a tree, defacing a rock with graffiti

Maximum penalty—165 penalty units.

Part 8 Other conduct

Division 1 Use of devices

262 Disturbance by amplified sound

- (1) A person in a protected area must not use a device to amplify sound in a way that may cause unreasonable disturbance to someone else or animals in the area.

Examples of devices—

car stereo, radio, speakers

Maximum penalty—

- (a) if the disturbance is from the person using the device at an unauthorised event—80 penalty units; or

Example—

using speakers to amplify music at a rave party

- (b) otherwise—50 penalty units.

- (2) This section does not apply in relation to a special wildlife reserve or nature refuge.

- (3) In this section—

unauthorised event means an event—

- (a) that has not been authorised under the Act; but
(b) for which an authority is required under the Act to be held lawfully in a protected area.

263 Unauthorised use of compressors, generators or similar machines

- (1) A person must not use a compressor, generator or similar machine in a protected area, unless the use is authorised under—

- (a) the written approval of the chief executive; or
(b) a regulatory notice for the area.

Maximum penalty—50 penalty units.

- (2) Subsection (1) does not apply to a person if—
- (a) the person uses a generator to operate a device for the treatment of a documented medical condition of the person; and
 - (b) the generator does not emit a noise of more than 65dB(A) when measured 7m from the generator.
- (3) This section does not apply in relation to a special wildlife reserve or nature refuge.
- (4) In this section—

dB(A) means decibels measured on the ‘A’ frequency weighting network.

documented medical condition, of a person, means a medical condition for which the person has a medical certificate or other document issued by a doctor stating that the person has the condition.

264 Unlawfully possessing or using appliances

- (1) A person must not possess or use an appliance in a protected area unless—
- (a) the person—
 - (i) has the written approval of the chief executive for possessing or using the appliance; and
 - (ii) possesses or uses the appliance in a way complying with the approval; or
 - (b) if the protected area is a special wildlife reserve—
 - (i) the management program for the reserve authorises the possession or use of the appliance; and
 - (ii) the person possesses or uses the appliance in accordance with the management program.

Maximum penalty—120 penalty units.

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- (2) Subsection (1) does not apply in relation to any of the following appliances—
- (a) an unloaded spear gun if—
 - (i) the gun is to be used in an area adjoining a protected area; and
 - (ii) the use of the gun in the adjoining area is not prohibited under an Act;
 - (b) a crab pot, fishing line or hand pump within the meaning of the *Fisheries (General) Regulation 2019* to be used in a protected area in which fishing is permitted under the Act;
 - (c) an appliance used, or to be used, solely for camping or a domestic purpose if, when the appliance is used, it does not cause unreasonable disturbance to a person or animal in a protected area;
 - (d) an appliance used, or to be used, solely for conducting an activity under a permit or authority or the written approval of the chief executive;
 - (e) an appliance securely stored in or on a vehicle or boat at all times while the appliance is in a protected area.
- (3) Without limiting subsection (2)(e), an appliance is securely stored in or on a vehicle or boat if the appliance is kept in a place in or on the vehicle or boat where the appliance is not easily accessible and is out of sight.
- (4) This section does not apply in relation to a nature refuge.
- (5) In this section—

possess, in relation to an appliance, means to have control of the appliance.

265 Use of metal detectors

- (1) A person must not use a metal detector in a protected area unless the person uses the detector—
- (a) with the written approval of the chief executive; or

(b) under an authority under the Act.

Maximum penalty—20 penalty units.

Note—

See, however, section 14 in relation to the application of this regulation to fossicking in a resources reserve.

- (2) This section does not apply in relation to a special wildlife reserve or nature refuge.

Division 2 Unlawful conduct

266 General misconduct

- (1) A person in a protected area must not, without a reasonable excuse—

- (a) be disorderly or create a disturbance in the area; or
- (b) do anything that interferes, or is likely to interfere, with the health or safety of the person or someone else in the area.

Maximum penalty—50 penalty units.

- (2) Subsection (1)(b) does not apply to conduct to the extent to which the *Work Health and Safety Act 2011* applies to the conduct.
- (3) A person must not restrict access to a part of a protected area or a barbecue, table or other facility in a protected area unless the person—
- (a) has a protected area authority or commercial activity agreement authorising the person to restrict the access; or
 - (b) has the written approval of the chief executive; or
 - (c) has a reasonable excuse.

Examples of restricting access—

cordoning off, claiming to have an exclusive right to use

Maximum penalty—50 penalty units.

- (4) This section does not apply in relation to a special wildlife reserve or nature refuge.

267 Unlawfully conducting commercial activity

- (1) A person must not conduct a commercial activity in relation to a protected area unless the person is authorised to conduct the activity under a commercial activity permit or commercial activity agreement.

Maximum penalty—165 penalty units.

- (2) This section does not apply in relation to a special wildlife reserve or nature refuge.

- (3) In this section—

conduct, a commercial activity in relation to a protected area, includes carrying out the commercial activity in a way that would allow or encourage access to the area.

268 Unlawfully conducting organised event

- (1) A person must not conduct an organised event in a protected area or part of a protected area unless—

- (a) the person conducts the event under an organised event permit authorising the conducting of the activity; or
- (b) the person conducts the event under a commercial activity permit or commercial activity agreement specifically authorising the conducting of the activity.

Maximum penalty—50 penalty units.

- (2) This section does not apply in relation to a special wildlife reserve or nature refuge.

269 Unlawfully conducting special activity

- (1) A person must not conduct a special activity in a protected area or part of a protected area unless the person conducts the activity—

[s 270]

- (a) under a special activity permit authorising the conducting of the activity; or
- (b) under an organised event permit, commercial activity permit or commercial activity agreement specifically authorising the conducting of the activity.

Maximum penalty—80 penalty units.

- (2) This section does not apply in relation to a special wildlife reserve or nature refuge.

270 Unlawfully soliciting donations or information

- (1) A person must not solicit donations or information in a protected area unless the person solicits the donations or information under a permit to solicit donations or information.

Maximum penalty—20 penalty units.

- (2) This section does not apply in relation to a special wildlife reserve or nature refuge.

271 Unlawfully displaying or disseminating notices or other documents

- (1) A person must not display or disseminate a notice or other document in a protected area without the written approval of the chief executive.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person—
 - (a) displaying an official traffic sign in a protected area under the *Transport Operations (Road Use Management) Act 1995*; or
 - (b) displaying a notice in a protected area under another law of the State or the Commonwealth.
- (3) This section does not apply in relation to a special wildlife reserve or nature refuge.

- (4) In this section—

disseminate, a notice or document, includes distribute, drop or leave the notice or document.

272 Tampering with structures and other things

- (1) A person must not tamper with a building, fence, gate or other structure or a notice or sign in a protected area unless the person has a reasonable excuse.

Maximum penalty—120 penalty units.

- (2) This section does not apply in relation to a special wildlife reserve or nature refuge.
- (3) In this section—

tamper with includes deface, damage, destroy, mark and remove.

273 Complying with direction to leave for unlawful activities

- (1) Subsection (2) applies if, in a protected area or part of a protected area, a conservation officer reasonably believes a person is committing, has committed, or is about to commit, an offence against the Act.
- (2) The conservation officer may direct the person to immediately leave the protected area or part if the officer reasonably believes giving the direction is necessary to—
 - (a) prevent the continuation of the offence; or
 - (b) secure evidence of the offence; or
 - (c) stop the offence from being committed.
- (3) When giving a direction under subsection (2), the conservation officer must warn the person it is an offence to fail to comply with the direction.
- (4) The person must comply with a direction given to the person and must not re-enter the stated protected area or part within 24 hours after leaving it.

Maximum penalty—80 penalty units.

- (5) If the person fails to comply with a direction given to the person, the conservation officer may take reasonable steps to secure compliance with the direction, including, for example—
 - (a) by using reasonable force; and
 - (b) by removing the person's property from the protected area or part.
- (6) This section does not apply in relation to a special wildlife reserve or nature refuge.

274 Complying with direction to leave for dangerous circumstances or emergency or rescue activity

- (1) Subsection (2) applies if a conservation officer reasonably believes either of the following circumstances exist in a protected area or part of a protected area—
 - (a) a circumstance that is dangerous for a person or the person's property;
 - (b) a circumstance in which the presence of a person may directly or indirectly interfere with an emergency or rescue activity.
- (2) The conservation officer may direct the person to do any of the following—
 - (a) leave the protected area or part;
 - (b) remove the person's property from the area or part;
 - (c) not return to the area or part for a stated period.
- (3) When giving a direction under subsection (2), the conservation officer must warn the person it is an offence to fail to comply with the direction.
- (4) The person must comply with a direction given to the person.
Maximum penalty—80 penalty units.
- (5) If the person fails to comply with a direction given to the person, the conservation officer may take reasonable steps to

secure compliance with the direction, including, for example—

- (a) by using reasonable force; and
 - (b) by removing the person's property from the protected area or part.
- (6) This section does not apply in relation to a special wildlife reserve or nature refuge.

Chapter 8 Fees

Part 1 Fees payable

275 Application of chapter

- (1) This chapter provides for fees payable under the Act in relation to a protected area.
- (2) However, this chapter does not apply in relation to a conservation value or a royalty.

Notes—

- 1 See section 66 about royalties payable for quarry material under a resources permit.
- 2 See the *Nature Conservation (Animals) Regulation 2020*, schedule 2, part 1 and the *Nature Conservation (Plants) Regulation 2020*, schedule 3 for conservation values prescribed for different classes of animals and plants that are protected wildlife.

276 Fees generally

- (1) Subject to another provision of this chapter, the fees payable under the Act are stated in schedule 8.
- (2) A reference to a species of plant in schedule 9 is a reference to only the plants within the species that are least concern plants.

[s 277]

Note—

See also section 10 in relation to references to the classes and scientific names of plants.

- (3) Subsection (4) applies for interpreting the fee payable for a category of least concern plant mentioned in schedule 8.
- (4) A reference to a category of least concern plant is a reference to the least concern plant having that category as stated in schedule 9.

277 Proceedings for recovery of unpaid fees

- (1) This section applies in relation to a person who has not paid a fee when it is payable under the Act.
- (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.
- (3) A fee payable under the Act is a debt due to the State.

Part 2 Waivers

278 Waiver of application fee for particular permits and agreements

- (1) This section applies in relation to an application for a commercial activity permit or organised event permit or for a commercial activity agreement (each an *NCA application*) if—
 - (a) the activity for which the permit or agreement is sought is to be conducted in a protected area and 1 or more of the following areas—

- (i) a recreation area under the *Recreation Areas Management Act 2006*;
 - (ii) a State forest under the *Forestry Act 1959*; and
 - (b) the applicant has also applied for an authority (however called) for conducting the activity in the recreation area or State forest (the ***related application***); and
 - (c) the chief executive is satisfied the NCA application and related application can be considered together.
- (2) The chief executive may waive payment of the fee payable for the NCA application to the extent of the amount already paid for the related application, up to an amount not more than the full amount of the fee for the NCA application.

279 Waiver of permit fee for commercial activity permits

- (1) This section applies if—
- (a) the chief executive waives all or part of the application fee payable for an application for a commercial activity permit under section 278; and
 - (b) the applicant has paid another fee that is a permit fee (however called) for an authority mentioned in section 278(1)(b) (the ***equivalent fee***).
- (2) The permit fee stated in schedule 8 for the commercial activity permit is waived to the extent of the amount of the equivalent fee, up to an amount not more than the full amount of the equivalent fee.

280 Waiver of application fee for transfer of particular joint marine park permits

- (1) This section applies to an application to transfer a joint marine park permit under chapter 5, part 6, division 3 (a ***transfer application***) if—
- (a) the commercial activity for which the permit is held is conducted in—

- (i) a protected area; and
 - (ii) a recreation area under the *Recreation Areas Management Act 2006*; and
 - (b) the applicant has also applied under the *Recreation Areas Management Act 2006* to transfer the permit in relation to conducting the activity in the recreation area (the ***related application***); and
 - (c) the applicant has paid an application fee (however called) for the related application; and
 - (d) the chief executive is satisfied the transfer application and related application can be considered together.
- (2) The chief executive may waive payment of the fee payable for the transfer application to the extent of the amount already paid for the related application, up to an amount not more than the full amount of the fee for the transfer application.

281 Waiver of additional daily fee for particular permits

- (1) This section applies in relation to a commercial activity permit, other than for filming or photography, or an organised event permit (the ***NCA permit***) if—
- (a) the holder, or a relevant person for the holder, conducts the activity authorised under the permit in the protected area to which the permit applies and also conducts the activity in 1 or more of the following areas—
 - (i) a recreation area under the *Recreation Areas Management Act 2006*;
 - (ii) a State forest under the *Forestry Act 1959*; and
 - (b) the same persons are taking part in the activity conducted in the recreation area or State forest under an equivalent permit (however called) under the relevant Act; and
 - (c) the holder or relevant person has paid a daily fee (however called) for conducting the activity under the equivalent permit.

- (2) The additional daily fee payable under the Act for conducting the activity under the NCA permit is waived to the extent of the amount already paid for conducting the activity under the equivalent permit, up to an amount not more than the full amount of the additional daily fee for the NCA permit.
- (3) In this section—
daily fee does not include a fee payable for camping overnight.

Part 3 Fee exemptions

Division 1 Fee exemptions granted without application

282 Exemption for camping permit granted to particular persons

- (1) No fee is payable for a camping permit granted to a person who is in a relevant national park to prepare—
 - (a) under the *Aboriginal Land Act 1991*, a claim to, or a management statement or management plan for, the national park; or
 - (b) under the *Torres Strait Islander Land Act 1991*, a claim to the national park.
- (2) In this section—
relevant national park means a national park or part of a national park, other than a national park or part—
 - (a) declared under section 42A of the Act to be a special management area (controlled action); and
 - (b) managed to include the matters mentioned in section 17(1A)(a) of the Act.

Division 2 Fee exemptions granted on application

Subdivision 1 Grounds for granting exemptions

283 Exemption for activities contributing to conservation

The chief executive may grant an exemption from the payment of a fee for a protected area authority only if the chief executive is satisfied—

- (a) the proposed activities to be conducted under the protected area authority are likely to make a significant contribution to—
 - (i) the conservation of nature generally; or
 - (ii) the conservation or presentation of the cultural or natural resources of any protected area; or
 - (iii) the management of any protected area; and
- (b) any commercial or recreational aspect of the activities is not the primary purpose for carrying out the activities.

Subdivision 2 Application process

284 Application for exemption of fee

- (1) A person may apply to the chief executive for an exemption from the payment of a fee (a *fee exemption application*) for a protected area authority under a ground mentioned in subdivision 1.
- (2) A fee exemption application must—
 - (a) be in the approved form; and
 - (b) include details to support why the exemption should be granted under the ground; and

- (c) be made before or when the application for the protected area authority is made.

285 Deciding fee exemption application

The chief executive must consider a fee exemption application and either—

- (a) grant the exemption, with or without conditions; or
- (b) refuse the application.

286 Grant of exemption under fee exemption application

If the chief executive decides to grant the exemption to which a fee exemption application relates, the chief executive must give the applicant a notice stating—

- (a) the protected area authority to which the exemption applies; and
- (b) if the chief executive has imposed any conditions on the exemption—
 - (i) the conditions; and
 - (ii) the reasons for the conditions.

287 Refusal of exemption under fee exemption application

If the chief executive decides to refuse a fee exemption application, the chief executive must give the applicant notice of the decision.

288 Effect of grant of exemption

- (1) This section applies if the chief executive has granted an exemption to which a fee exemption application relates.
- (2) No fee is payable by the applicant for the matter to which the exemption relates.

- (3) However, if the chief executive has imposed conditions on the exemption, subsection (2) applies only if the applicant complies with the conditions.

Part 4 Refunds

289 Refund of fees

- (1) This section applies if a protected area authority has been—
- (a) amended to an extent that a fee paid for the authority is higher than the fee that would be payable for the authority in its amended form; or
 - (b) suspended or cancelled for a ground mentioned in section 141; or
 - (c) surrendered under section 161.
- (2) The chief executive may, on the chief executive's own initiative or on application, refund all or part of a fee paid for the protected area authority if the chief executive considers the refund is appropriate having regard to—
- (a) the nature of the amendment, suspension, cancellation or surrender; and
 - (b) any other relevant matter.
- (3) The chief executive may refund the fee in the way the chief executive considers appropriate.

Examples of ways chief executive may refund fee—

- by giving the person the amount refunded
 - by deducting the amount refunded from another fee the person is required to pay under the Act
- (4) If a person applies to the chief executive for a refund, the chief executive may deduct the refund processing fee from the amount refunded.
- (5) In this section—

refund processing fee, for an application for a refund, means the fee—

- (a) decided by the chief executive, being not more than the reasonable cost of—
 - (i) considering the application; and
 - (ii) refunding the fee or part fee to the applicant; and
- (b) published on the department’s website.

Chapter 9 **Repeal and transitional provisions**

Part 1 **Repeal**

290 **Repeal**

The Nature Conservation (Protected Areas Management) Regulation 2017, No. 157 is repealed.

Part 2 **Transitional provisions**

Division 1 **Preliminary**

291 **Definitions for part**

In this part—

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 authority see section 292(1).

repealed, in relation to a provision of the repealed regulation, means the provision as in force from time to time under the repealed regulation.

repealed regulation means the repealed *Nature Conservation (Protected Areas Management) Regulation 2017*.

Division 2 Authorities, agreements and other permissions

292 Existing authorities, agreements, approvals and permissions continue

- (1) This section applies in relation to the following authorities or agreements in effect immediately before the commencement (each an ***existing authority***)—
 - (a) a permit or authority mentioned in repealed section 12(1), granted by the chief executive;
 - (b) a commercial activity agreement mentioned in repealed section 71CO, entered into by the chief executive;
 - (c) a written permission to conduct a controlling activity given under repealed section 48;
 - (d) a written approval given by the chief executive under another repealed provision.
- (2) Each existing authority—
 - (a) is taken to be granted, entered into or given under the corresponding provision for the repealed provision under which the authority was granted, entered into or given; and
 - (b) continues in effect under this regulation for the same protected area, or part of a protected area, and term for which the authority was granted, entered into or given; and

- (c) is subject to the same conditions or other restrictions that applied to the authority immediately before the commencement.
- (3) Subsection (2) does not prevent the existing authority being amended, transferred, surrendered, suspended or cancelled under this regulation.

293 Existing amendments or suspensions continue

- (1) This section applies if, immediately before the commencement, an amendment or suspension was in effect for an existing authority under a repealed provision.
- (2) The amendment or suspension continues in effect under this regulation as if the amendment or suspension were made or imposed under the corresponding provision for the repealed provision.

Division 3 Notices, declarations and signs

294 Regulatory notices and regulatory information notices

- (1) This section applies to a regulatory notice or regulatory information notice erected or displayed under a repealed provision, and not removed by the chief executive, before the commencement.
- (2) The regulatory notice is taken to be a regulatory notice displayed under section 20.
- (3) The regulatory information notice is taken to be a regulatory information notice displayed under section 22.

295 Declarations in force

- (1) This section applies to each of the following declarations in force immediately before the commencement—

[s 296]

- (a) a declaration under repealed section 78 that a protected area or part of a protected area is a restricted access area;
 - (b) a declaration under repealed section 84 that a commercial activity is a prescribed commercial activity for a protected area or part of a protected area;
 - (c) a declaration under repealed section 85 that an activity is a special activity for a protected area or part of a protected area;
 - (d) a declaration under repealed section 88 that a protected area or part of a protected area is closed to the public for a period.
- (2) Each protected area or part is taken to be declared, under the corresponding provision for the repealed provision mentioned in subsection (1), in the same terms and for the same period as each declaration made before the commencement.

296 Notified camping areas continue

A protected area or part of a protected area that, immediately before the commencement, was notified as an e-permit camping area or a self-registration camping area under the repealed regulation is taken to be a camping area under this regulation.

297 Existing signs or markings for traffic control

- (1) This section applies to a sign erected or marking placed by the chief executive under repealed section 119(1) that was not removed by the chief executive before the commencement.
- (2) The sign is taken to be displayed, and the marking is taken to be placed, under section 245(1).

Division 4 Incomplete processes

298 Consultation requirements for notices and declarations

- (1) This section applies if, before the commencement, the chief executive had started some, but not completed all, actions required for complying with any of the following requirements—
 - (a) a consultation requirement under repealed section 74 or 75 for erecting or displaying a regulatory notice;
 - (b) a consultation requirement under repealed section 80, 81 or 82 for declaring a protected area or part of a protected area to be restricted access area;
 - (c) a consultation requirement under repealed section 87 for declaring an activity to be a special activity for a protected area or part of a protected area.
- (2) An action mentioned in subsection (1) is taken to satisfy a requirement to undertake the same or similar action under the corresponding provision for a repealed provision mentioned in the subsection.
- (3) The chief executive may complete any remaining actions required under the corresponding provision for the repealed provision.

299 Unsatisfied directions

- (1) This section applies to an oral or written direction, given under a repealed provision, that was in effect and had not been complied with immediately before the commencement.
- (2) The direction is taken to be a direction in effect under the corresponding provision for the repealed provision.

300 Existing invitations, requests, notices and notifications

- (1) This section applies if—

[s 301]

- (a) before the commencement, an invitation, notice, request or other notification (however called) (each a *notice*) was made or given by the chief executive in relation to a protected area, or an existing authority, under a repealed provision; and
 - (b) immediately before the commencement, the notice was in effect and had not been complied with or otherwise fulfilled.
- (2) The notice is taken to have been made or given under the corresponding provision for the repealed provision on the same terms as it was made or given under the repealed provision.

301 Undecided applications

- (1) This section applies in relation to each of the following types of applications (each an *existing application*) made before the commencement under a repealed provision—
 - (a) an application for the grant of a protected area authority;
 - (b) an application for the renewal of an existing authority;
 - (c) an application for the amendment of an existing authority;
 - (d) an application for the transfer of an existing authority;
 - (e) an application for a fee exemption.
- (2) If, immediately before the commencement, the existing application had not been decided, the application—
 - (a) is taken to be an application of the same kind under the corresponding provision for the repealed provision; and
 - (b) may be decided under the corresponding provision.
- (3) No fee is payable for the application under this regulation if all fees for the existing application payable under the repealed regulation were paid before the commencement.

302 Incomplete processes for commercial activity agreements

- (1) This section applies in relation to either of the following processes started, but not completed, before the commencement—
 - (a) an expression of interest process for entering into a commercial activity agreement under repealed chapter 4B, part 2;
 - (b) an application process for entering into a commercial activity agreement under repealed chapter 4B, part 3.
- (2) Anything done under a repealed provision in relation to the process is taken to have been done under the corresponding provision for the repealed provision.

Division 5 Other matters

303 Existing demerit points continue

If, before the commencement, a person accumulated 1 or more demerit points under repealed section 71AI—

- (a) the demerit points are not affected by the repeal; and
- (b) the demerit points may be considered for applying section 111.

304 Existing records

A record made or kept, under a repealed provision, before the commencement in relation to an existing authority is taken to be made or kept under the corresponding provision for the repealed provision.

305 References to repealed regulation

In an instrument, a reference to the repealed regulation may, if the context permits, be taken to be a reference to this regulation.

Schedule 1 Trustees of conservation parks

section 15

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Anderson Street Conservation Park Kamerunga Conservation Park	Cairns Regional Council	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a resources permit; (ii) an apiary permit; (iii) a commercial activity permit or special activity permit; or (c) enter into a commercial activity agreement
Bayview Conservation Park	Redland City Council	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant— (i) a resources permit; or (ii) an apiary permit

Schedule 1

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Beachmere Conservation Park Buckleys Hole Conservation Park Byron Creek Conservation Park Neurum Creek Conservation Park Sheep Station Creek Conservation Park Wararba Creek Conservation Park	Moreton Bay Regional Council	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a resources permit; (ii) an apiary permit; (iii) a commercial activity permit or special activity permit; (iv) a stock grazing permit, stock mustering permit or travelling stock permit; or (c) enter into a commercial activity agreement; or (d) approve the use of a herbicide or pesticide
Bolger Bay Conservation Park	Magnetic Island Nature Care Association Inc. IA18957	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a resources permit; (ii) an apiary permit; (iii) a commercial activity permit or special activity permit; or (c) enter into a commercial activity agreement

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Bukkulla Conservation Park	Wildlife Land Fund Ltd. ACN 096317967	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant— (i) a resources permit; or (ii) an apiary permit; or (c) enter into a commercial activity agreement

Schedule 1

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Cooroibah Conservation Park	Noosa Shire Council	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a resources permit; (ii) an apiary permit; (iii) a commercial activity permit or special activity permit; (iv) an organised event permit; (v) a stock grazing permit, stock mustering permit or travelling stock permit; or (c) enter into a commercial activity agreement; or (d) give permission to conduct a controlling activity; or (e) display a regulatory notice; or (f) approve— (i) the lighting of a fire; or (ii) the use of a herbicide or pesticide; or (iii) the possession or use of an appliance; or (g) display a sign or place a marking regulating the use of a vehicle, boat or recreational craft, or a type of vehicle, boat or recreational craft; or (h) release, sell or dispose of a seized thing; or (i) declare a restricted access area

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Denmark Hill Conservation Park Flinders Peak Conservation Park Ipswich Pteropus Conservation Park Mount Beau Brummell Conservation Park White Rock Conservation Park	Ipswich City Council	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a resources permit; (ii) an apiary permit; (iii) a commercial activity permit or special activity permit; (iv) a stock grazing permit, stock mustering permit or travelling stock permit; or (c) enter into a commercial activity agreement; or (d) approve the use of a herbicide or pesticide

Schedule 1

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Lake Broadwater Conservation Park	Western Downs Regional Council	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a resources permit; (ii) an apiary permit; (iii) a stock grazing permit or travelling stock permit; or (c) grant a commercial activity permit other than— (i) to a vendor of food and beverages temporarily within the conservation park for an event approved by the trustee; or (ii) for a commercial activity associated with the conduct of power boat activities; or (d) enter into a commercial activity agreement; or (e) approve— (i) the use of a herbicide or pesticide; or (ii) the landing of an aircraft or recreational craft

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Lark Quarry Conservation Park	Winton Shire Council	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a resources permit; (ii) an apiary permit; (iii) a commercial activity permit or special activity permit; (iv) a stock grazing permit, stock mustering permit or travelling stock permit; or (c) enter into a commercial activity agreement; or (d) approve the use of a herbicide or pesticide
Mount Whitfield Conservation Park	Cairns Regional Council	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant either of the following— (i) a resources permit; (ii) an apiary permit; or (c) grant a commercial activity permit other than for a commercial activity associated with the conduct of rock climbing at the Aeroglen quarry; or (d) grant a special activity permit other than for a special activity associated with the conduct of rock climbing at the Aeroglen quarry; or (e) enter into a commercial activity agreement

Schedule 1

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Mutton Hole Wetlands Conservation Park	Carpentaria Shire Council	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a resources permit; (ii) an apiary permit; (iii) a stock grazing permit, stock mustering permit or travelling stock permit; or (c) give permission to conduct a controlling activity
Southend Conservation Park	Gladstone Regional Council	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a resources permit; (ii) an apiary permit; (iii) a commercial activity permit or special activity permit; (iv) a stock grazing permit, stock mustering permit or travelling stock permit; or (c) enter into a commercial activity agreement; or (d) approve the landing of an aircraft or recreational craft

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Springwood Conservation Park	Logan City Council	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a resources permit; (ii) an apiary permit; (iii) a commercial activity permit or special activity permit; (iv) a stock grazing permit, stock mustering permit or travelling stock permit; or (c) enter into a commercial activity agreement; or (d) approve the use of a herbicide or pesticide
Toohey Forest Conservation Park	Brisbane City Council	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) an apiary permit; (ii) a camping permit; (iii) a stock grazing permit, stock mustering permit or travelling stock permit; (iv) a special activity permit; or (c) grant a resources permit for a purpose other than an educational or scientific purpose; or (d) enter into a commercial activity agreement

Schedule 1

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Wongaloo Conservation Park	The Wetlands and Grasslands Foundation ACN 086 542 109	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the park; or (b) grant any of the following— (i) a resources permit; (ii) an apiary permit; (iii) a commercial activity permit or special activity permit; (iv) an organised event permit; (v) a stock grazing permit, stock mustering permit or travelling stock permit; or (c) give permission to conduct a controlling activity; or (d) display a regulatory notice; or (e) approve— (i) the lighting of a fire; or (ii) the use of a herbicide or pesticide; or (iii) the possession or use of an appliance; or (f) display a sign or place a marking regulating the use of a vehicle, boat or recreational craft, or a type of vehicle, boat or recreational craft; or (g) release, sell or dispose of a seized thing

Schedule 2 Trustees of resources reserves

section 16

Part 1 Resources reserves placed under joint management of joint trustees

Column 1	Column 2
Resources reserve	Joint trustees
Bouldercombe Gorge Resources Reserve	chief executive and mining chief executive
Cudmore Resources Reserve	chief executive and mining chief executive
Eurimbula Resources Reserve	chief executive and mining chief executive
Flat Top Range Resources Reserve	chief executive and mining chief executive
Homevale Resources Reserve	chief executive and mining chief executive
Moonstone Hill Resources Reserve	chief executive and mining chief executive
Mount Rosey Resources Reserve	chief executive and mining chief executive
Palmer Goldfield Resources Reserve	chief executive and mining chief executive
Rundle Range Resources Reserve	chief executive and mining chief executive
Stones Country Resources Reserve	chief executive and mining chief executive

Schedule 2

Column 1	Column 2
Resources reserve	Joint trustees
Sundown Resources Reserve	chief executive and mining chief executive
White Mountains Resources Reserve	chief executive and mining chief executive

Part 2 **Resources reserves for which
other joint trustee is given
powers of chief executive**

Column 1	Column 2
Resources reserve	Powers of other joint trustee
Cudmore Resources Reserve Flat Top Range Resources Reserve Moonstone Hill Resources Reserve Stones Country Resources Reserve	the powers of the chief executive under this regulation other than the power to— (a) charge a fee for entry to the reserve; or (b) grant any of the following— (i) a resources permit; (ii) an apiary permit; (iii) a commercial activity permit or special activity permit; (iv) a stock grazing permit, stock mustering permit or travelling stock permit; or (c) enter into a commercial activity agreement; or (d) approve the use of a herbicide or pesticide

Schedule 3 Permitted uses in national parks

section 18

Part 1 Service facilities

Column 1	Column 2
National park	Permitted use
Barron Gorge National Park	construction, maintenance and use of the following facilities for the extraction of not more than 50ML of water a day from Lake Placid— (a) a submerged water intake tower in Lake Placid; (b) a vehicle access bridge from Barron Gorge Road to the water intake tower; (c) a pump station on the north bank of the Barron River; (d) a water mains under Barron Gorge Road
Blackdown Tableland National Park—the following parts— (a) the part identified as ‘Communications Tower’ on CENAP046, CENAP047, CENAP048 and CENAP049; (b) the part identified as ‘Authority Area’ in lot 49 on NPW733, shown on QPWSAP000108, containing an area of about 0.04ha	a communications use a communications use

Schedule 3

Column 1	Column 2
National park	Permitted use
Bowling Green Bay National Park—the following parts— (a) the part identified as ‘Alligator Creek VHF Repeater Tower’ shown on the map titled ‘Bowling Green Bay National Park Alligator Creek Tower Site’, containing an area of about 50m²; (b) the part shown as lot 38 on survey plan Ep1963, containing an area of about 20.24ha	a communications use a communications use
Brampton Islands National Park—the part identified as ‘Communications Tower’ on CENAP052	a communications use
Bulburin National Park—the part described as the existing tower on the map titled ‘Ergon Communication Bulburin National Park Lot 53 on NPW737’, containing an area of 0.09ha	a communications use
Bunya Mountains National Park—the part described as EMT B on the plan titled ‘Bunya Mountains National Park Powerlink Interest Area’, containing an area of 9.084ha	an electricity distribution use
Bunya Mountains National Park—the part identified as ‘Radio Tower’ on plan S35Bunya –1	a communications use
Burrum Coast National Park—the following parts— (a) the parts identified as ‘Proposed Reuse Main’, ‘Proposed Hydrant 1’, ‘Proposed Hydrant 2’ and ‘Proposed Hydrant 3’ on plan WBW 83 08/09;	construction, maintenance and use of hydrants and an effluent reuse pipeline

Column 1	Column 2
National park	Permitted use
(b) the part identified as an easement on the plan titled 'BCNP001'	an electricity distribution use
Capricornia Cays National Park—the part of Lady Musgrave Island shown as lots 1 and 2 on CP882206, containing an area of 1,276m ²	a marine navigation use
Capricornia Cays National Park—the following parts shown on CEN AP079—	
(a) lot A, containing an area of about 0.041ha;	maintenance and use of the potable water supply network
(b) lot B, containing an area of about 0.020ha;	maintenance and use of the non-potable water supply network
(c) lot C, containing an area of about 0.003ha;	maintenance and use of the electricity connection
(d) lot D, containing an area of about 0.016ha;	maintenance and use of the water intake pipeline
(e) lot E, containing an area of about 0.018ha;	maintenance and use of the water outlet pipeline
(f) lot F, containing an area of about 0.021ha	maintenance and use of the fuel pipeline
Carnarvon National Park—the part identified as 'Authority Area' over part of lot 236 on NPW490, shown on QPWSAP000070, containing an area of about 0.005ha	a communications use
Claremont Isles National Park—the part of Fife Island shown as lot 1 on CP882212, containing an area of 267m ²	a marine navigation use

Schedule 3

Column 1	Column 2
National park	Permitted use
Conondale National Park—the part identified as ‘Authority Area’ covering part of Lots 135 and 274 on NPW746 on QPWSAP000051, containing an area of 360m ²	a communications use
Conway National Park—the following parts—	
(a) the part identified as ‘Crown Castle Australia Communications Tower’ on ACENAP068;	a communications use
(b) the part identified as ‘Proposed Authority Area’ on plan S35Conway–1;	an electricity distribution use
(c) the parts shown as lots 284, 285 and 286 on survey plan HR1228;	a communications use
(d) the part identified as ‘Authority Area’ within Lot 43 on NPW1144 on QPWS 1980, containing an area of 1,015m ² ;	a water supply use
(e) the part identified as ‘Authority Area’ covering part of Lot 43 on NPW1144, shown on QPWSAP000065, containing an area of 1912.0m ²	an electricity distribution use
D’Aguilar National Park—the following parts—	
(a) the part identified as ‘D’Aguilar Range (Energex) Site’ on the plan titled ‘DCS Communication site ‘D’Aguilar Range’ D’Aguilar National Park’;	a communications use

Column 1	Column 2
National park	Permitted use
(b) the part identified as ‘Mount Tenison Wood Radio Tower’ on the plan titled ‘Mount Tenison Wood Radio Tower’;	a communications use
(c) lot A on AP20928;	a communications use
(d) lot A on AP20929;	a communications use
(e) the part identified as lot A over part of lot 309 on NPW751 on QPWSAP00031, containing an area of 268m ² ;	a communications use
(f) the parts identified as ‘Authority Area A’ and ‘Authority Area B’ over parts of Lot 309 on NPW751 on QPWSAP00031, containing an area of 545m ² ;	a communications use
(g) the part identified as ‘Authority Area’ over part of lot 809 on NPW751 on QPWSAP00032, containing an area of 0.6573ha	a communications use
Daintree National Park—the fenced areas identified as ‘Telstra & Other Users’ and ‘DERM & DCS site’ shown on drawing ‘A7P1592-2’	a communications use
Deer Reserve National Park—the following parts—	
(a) the part identified as ‘Radio Hut Site’ on the map titled ‘Deer Reserve National Park’;	a communications use
(b) the part shown as lot C on AP17861, containing an area of about 3,898m ² ;	a communications use
(c) the part shown as Lot A on QPWSAP00010, containing an area of about 120m ²	a communications use

Schedule 3

Column 1	Column 2
National park	Permitted use
Dinden National Park—the following parts— (a) the part identified as ‘Miles Electronics’, containing an area of 456m² shown on the plan titled ‘Location Plan of Communications Towers Dinden NP’; (b) the part identified as ‘Black and White Taxis’, containing an area of 289m² shown on the plan titled ‘Location Plan of Communications Towers Dinden NP’; (c) the part described as existing tower (Miles Electronic) on the plan titled ‘Ergon Communication Equipment attached on Miles Electronics Tower Dinden National Park Lot 62 on NPW920’, containing an area of 300m²	a communications use a communications use a communications use
Dryander National Park—the following parts— (a) the site described as the Ergon Energy Riordanvale communication site shown on the map titled ‘Ergon Energy Riordanvale Communication Site Dryander National Park Lot 24 on NPW772’, containing an area of 900m²;	a communications use

Column 1	Column 2
National park	Permitted use
(b) the part of lot 24 on AP19346 shown as 'NBN installation' on drawings 4AIR-51-07-WDWE-T1, 4AIR-51-07-WDWE-C1 to C5 and 4AIR-51-07-WDWE-A1, containing an area of about 700m ²	an electricity distribution use
Dularcha National Park—the part identified as 'Authority Area' covering part of Lot 453 on NP1114, shown on QPWSAP000262, containing an area of 2.91ha	a water supply use and sewerage use
Eubenangee Swamp National Park—the part identified as 'Proposed Transmission Line' on plan A3-H-132537-06	an electricity distribution use
Ferntree Creek National Park—the part identified as 'Licence Area' on drawing U-DWG-302-1016 for the Northern Pipeline Interconnector Stage 2	construction, maintenance and use of a water pipeline
Girramay National Park—the part identified as 'Proposed Transmission Line' on plan A3-H-137240-21	an electricity distribution use
Girringun National Park—the following parts— (a) the part identified as 'Wallaman Falls Radio Tower and Hut' on the map, dated 11 January 2010, titled 'FPQ Infrastructure on DERM Lands' 'Wallaman Falls Radio Tower and Hut';	a communications use

Schedule 3

Column 1	Column 2
National park	Permitted use
(b) the part identified as ‘Proposed Transmission Line’ on plans A3-H-137240-08, A3-H-137240-09, A3-H-137240-10, A3-H-137240-11, A3-H-137240-12, A3-H-137240-13, A3-H-137240-14 and A3-H-137240-15; (c) the parts identified as ‘Authority Area A’ and ‘Authority Area B’ over parts of lot 18 and lot 1 on AP22472, shown on QPWSAP0000113, containing an area of 73,712m²; (d) the part identified as ‘Authority Area’ covering part of lot 18 on AP22472 on QPWSAP000182, containing an area of 829m²	an electricity distribution use a water supply use a communications use
Glass House Mountains National Park—the following parts— (a) the part identified as ‘Proposed Easement’ on plan 11549 for the Northern Pipeline Interconnector Stage 1; (b) the parts identified as ‘Authority Areas A, B, C, D and E’ over parts of Lot 127 and Lot 589 on NPW725, and Lot 1 on AP19221, on QPWSAP00013, containing an area of about 44,963.3m²	construction, maintenance and use of a water pipeline a water supply use

Column 1	Column 2
National park	Permitted use
Goold Island National Park—the part that is an area of 6m diameter at latitude 18°9.644' south, longitude 146°9.992' east	construction, maintenance and use of a communications tower and supporting structures for the operation of a radio repeater, seaphone repeater and radio link
Great Sandy National Park—the following parts—	
(a) the area shown on orthophoto maps 15993-A1 and 15994-A1 and works plan 1100532;	an electricity distribution use and a communications use
(b) the area shown on drawing 254913F1;	a communications use
(c) the area shown as 'Existing Easement–Water Pipeline' on the plan titled 'Great Sandy National Park Cooloola Coast water pipeline';	construction, maintenance and use of a water pipeline
(d) the area shown as 'Tower lease' on property plan KAW02876, containing an area of about 546m ² ;	maintenance and use of a facility, by Gympie Regional Council, for providing communication services to the Tin Can Bay and Cooloola Cove communities
(e) the area shown as 'Reservoir' on property plan KAW02876;	maintenance and use of a water reservoir by Gympie Regional Council to service the Tin Can Bay and Cooloola Cove communities
(f) the part identified as the radio tower site on plan 'Bowarrady QA200108';	a communications use
(g) the part identified as communications tower on the map titled 'Cooloola Rainbow Beach Aggregation';	a communications use

Schedule 3

Column 1	Column 2
National park	Permitted use
(h) the part identified as Lot 100 in Lot 21 on NPW1150, shown on AP16995, containing an area of about 52m ²	a communications use
Grey Peaks National Park—the part identified as ‘Authority Area’ over part of lot 785 on AP19382 on QPWSAP000250, containing an area of about 850m ²	a water supply use
Herberton Range National Park—the parts identified as ‘Queensland Police Service and Co-users’ and ‘Telstra and Co-users’ on administrative plan WT001	a communications use
Holbourne Island National Park—the part shown as lot 115 on CP882203, containing an area of 203m ²	a marine navigation use
Homevale National Park—the part identified as the authority area on the map, of 31 May 2007, titled ‘Homevale National Park s35-1’	an electricity distribution use
Howick Group National Park (Cape York Peninsula Aboriginal land)—the part of South Barrow Island shown as lot 1 on CP882197, containing an area of 212m ²	a marine navigation use
Hull River National Park—the part identified as the ‘Use Area for Cassowary Coast Regional Council in Hull River National Park’ on drawing PR116239–1A, PR116239–2A, PR116239–3A, and PR116239–4A, containing an area of about 11,267m ²	a water supply use
Koombooloomba National Park—the following parts—	

Column 1	Column 2
National park	Permitted use
(a) the part identified as ‘Communications Hut and Tower’ on the map titled ‘Kareeya Power Station Communications Hut and Tower’;	a communications use
(b) the part identified as ‘Gauging Station’ on the map titled ‘Nitchaga Creek Flow Gauging Station’	a communications use and maintenance and use of a water flow gauging station
Kroombit Tops National Park—the part identified as ‘Communications Tower’ on CENAP050	a communications use
Kuranda National Park—the parts identified as ‘Optus Building’, ‘Telstra Building’, ‘Airservices Building’, ‘Bureau of Meteorology Building’ and ‘TV Hut’ shown on the drawing titled ‘Saddle Mountain Communications Facilities Site Details’	a communications use
Littabella National Park—the following parts—	
(a) the part shown as lot F on QPWSAP00004, containing an area of about 366m ² ;	a communications use
(b) the part described as an existing tower on the plan titled ‘Communication Infrastructure Littabella National Park Lot 212 on NPW784’, containing an area of 600m ² ;	a communications use
(c) the part shown as lot A on QPWSAP00004, containing an area of about 196m ² ;	a communications use carried out by Maritime Safety Queensland

Schedule 3

Column 1	Column 2
National park	Permitted use
(d) the part shown as Lot C on QPWSAP00004, containing an area of about 50m ²	a communications use
Lizard Island National Park—the following parts—	
(a) the part of Palfrey Island shown as lot 1 on CP882213, containing an area of 220m ² ;	a marine navigation use
(b) the part identified as ‘Repeater site’ on the plan titled ‘FNAP-001 Australian Volunteer Coastguard Association Repeater Location’, containing an area of 25m ²	a communications use
Ma’alpiku Island National Park (Cape York Peninsula Aboriginal land)—Restoration Rock, shown as lot 42 on SP241424, containing an area of 1.162ha	a marine navigation use
Macalister Range National Park—the part identified as lot A over part of lot 174 on NPW930 on QPWSAP00039, containing an area of 3m ²	a communications use
Magnetic Island National Park—the following parts—	
(a) the part identified as ‘Authority Area’ on the plan titled ‘NCA Authority Area’;	maintenance and use of a water pipeline
(b) the part identified as ‘The Forts’ on plan S35Mag—1;	a communications use
(c) the parts identified as ‘Authority Area’ covering part of Lot 456 on AP22485, shown on MINP1, containing an area of approximately 0.13km ² ;	an electricity distribution use

Column 1	Column 2
National park	Permitted use
(d) the part identified as ‘Authority Area’ covering part of lot 456 on AP22485, shown on QPWSAP000177, containing an area of 620.2m ² ;	a communications use
(e) the part identified as ‘Authority Area’ covering part of Lot 456 on AP22485, shown on QPWSAP000251, containing an area of 2.22ha	a water supply use
Main Range National Park—the part identified as ‘Bald Mountain Radio Tower’ on the map, dated 11 January 2010, titled ‘FPQ Infrastructure on DERM Lands’ ‘Bald Mountain Radio Tower’	a communications use
Mooloolah River National Park—the part identified as ‘Easement Total Area 1.9ha’ on drawing titled ‘Pressure Main Route and Easement’ for the Diversion of South Buderim Sewerage Project—Project No. A1231400	construction, maintenance and use of a sewerage pipeline
Mount Cook National Park—the part identified as ‘Mt Cook QPS QAS SES’ on administrative plan LPF/10739	a communications use
Mount Mackay National Park—the part identified as ‘Authority Area’ in lot 171 on NPW902, shown on plan MM1, containing an area of 0.09ha	a communications use
Mount Windsor National Park—the part identified as ‘Roadtek site’ shown on the plan titled ‘Mount Windsor Tableland Radio Site’	a communications use

Schedule 3

Column 1	Column 2
National park	Permitted use
Mowbray National Park—the sites identified as ‘Ergon tower’ and ‘QPS tower’ shown on the plan titled ‘Mowbray National Park Location Plan of QPS and Ergon Communication Towers’	a communications use
Ngalba Bulal National Park—the part of the Mangkalba (Cedar Bay) section, south of an east-west line passing through Obree Point, shown on the map titled ‘Mangkalba (Cedar Bay) section map’	a communications use
Noosa National Park—the following parts— (a) the parts identified as ‘Area A’ and ‘Area B’ in Lot 147 on NPW889; (b) the part identified as lot A over part of lot 147 on NPW889 on QPWSAP00017, containing an area of 162m ²	maintenance and use of water infrastructure a communications use
Orpheus Island National Park—the part of White Rock shown as lot 11 on CP882221, containing an area of 326m ²	a marine navigation use
Paluma Range National Park—the following parts—	

Column 1	Column 2
National park	Permitted use
(a) the part shown on Townsville City Council water supply infrastructure overall plan consistent with drawing 60024604/131, including the following— (i) Mt Kinduro water treatment plant consistent with drawing 60024604/132; (ii) Crystal Creek water supply infrastructure consistent with drawing 60024604/133; (b) the following parts shown as easement— (i) AP on DP211715; (ii) AR and AS on SP211717; (iii) AU, AV and AX on DP211719; (iv) ASR on SP211737; (c) the part identified as ‘Authority Area’ covering part of Lot 59 on NPW935, shown on QPWSAP000292, containing an area of 0.8ha	construction, maintenance and use of a water treatment facility and associated infrastructure an electricity distribution use a water supply use
Percy Isles National Park—the following parts— (a) the part of Pine Peak Island shown as lot 4 on CP882204, containing an area of 319m²; (b) the part of Vernon Rocks shown as lot 1 on CP882205, containing an area of 235m²	a marine navigation use a marine navigation use

Authorised by the Parliamentary Counsel

Column 1	Column 2
National park	Permitted use
(b) the part identified as lot A covering part of lot 4 on AP19222 on MCYAP1402, containing an area of about 360m ²	a communications use
Three Islands Group National Park—the part of Three Isles shown as lot 1 on CP882196, containing an area of 406m ²	a marine navigation use
Tuchekoi National Park—the part identified as ‘Area A’ in Lot 210 on NPW833	maintenance and use of water infrastructure
Tully Gorge National Park—the part identified as ‘Authority Area’ in Lot 66 on NPW890, shown on QPWSAP000096, containing an area of about 0.355ha	a water supply use
Turtle Group National Park—the part of Petherbridge Island shown as lot 1 on CP882190, containing an area of 235m ²	a marine navigation use
Whitsunday Islands National Park—the following parts—	
(a) the part of Edward Island shown as lot 7 on CP882207, containing an area of 392m ² ;	a marine navigation use
(b) the part of Hook Island shown as lot 6 on CP882209, containing an area of 261m ² ;	a marine navigation use
(c) the part identified as ‘Mount Robinson Communication Tower’ on CEN AP076, containing an area of about 266m ²	a marine navigation use

Schedule 3

Column 1	Column 2
National park	Permitted use
Wild Cattle Island National Park—the part identified as ‘Queensland Transport Licence Area’ on plan Gld-002, containing an area of about 9.23 hectares	construction, maintenance and use of the following facilities by Queensland Transport for the Port of Gladstone— (a) a shipping navigation leads tower and associated solar power equipment; (b) a firebreak around the tower; (c) a sight line of trimmed vegetation across the island; (d) a vehicle access track within the sight line
Wongi National Park—the parts identified as ‘Easement H’ and ‘Easement J’ on SP211763, containing an area of 17.26ha	an electricity distribution use
Woondum National Park—the following parts— (a) lot A on AP17855; (b) the part identified as ‘EGX’ on AP17876 and AP17879, containing an area of about 900m²; (c) the part identified as ‘Authority Area A’ on lot 2 on AP19217 on QPWSAP000087, containing an area of about 700m²; (d) the part identified as ‘Authority Area A’ on lot 3 on AP19217 on QPWSAP000090, containing an area of about 40m²	a communications use a communications use a communications use a communications use
Wooroonooran National Park—the following parts—	

Column 1	Column 2
National park	Permitted use
(a) the part identified as ‘Proposed Transmission Line’ on plans A3-H-132537-03, A3-H-132537-04 and A3-H-132537-05;	an electricity distribution use
(b) the part that is 10m on each side of the overhead powerline route through lot 19 on NPW921, as shown on plan 2361-01;	an electricity distribution use
(c) the parts identified as area A on plan 1758-01, area B on plan 1759-01, area A on plan 7876CRC-01, area C on plan 7876CRC-02 and area B on plan 7876CRC-03;	maintenance and use of water supply facilities, and construction, maintenance and use of associated infrastructure for the facilities
(d) the parts identified as ‘Power Line’ and ‘Cableway’ on drawing No. BA4091.98;	construction, maintenance and use of cableway and an electricity distribution use
(e) the parts identified as portions 208 and 209 and ‘Cableway’ on survey plan Nr.5584;	a communications use
(f) the parts identified as ‘Authority Area A’ to ‘Authority Area P’ over parts of lot 19 on NPW970, shown on QPWSAP000149, containing a total area of 19.82ha	a communications use and an electricity distribution use
Woowoonga National Park—the part described as the lease area on the map, dated 29 November 2010, titled ‘Woowoonga National Park - telecommunications site’, containing an area of 400m ²	a communications use

Schedule 3

Column 1	Column 2
National park	Permitted use
Woowoonga National Park—the part identified as ‘Cleared area’ on the map titled ‘Woowoonga National Park - telecommunications site’, containing an area of about 400m ²	a communications use

Part 2 **Ecotourism facilities**

Column 1	Column 2
National park	Permitted use
Great Sandy National Park—the following parts in Lot 1 on AP23771, shown on SP347623— (a) the part identified as Lot A, containing an area of 17.49ha; (b) the part identified as Lot B, containing an area of 5ha	 maintenance and use of buildings or other structures for overnight accommodation and other services related to ecotourism (<i>ecotourism buildings</i>) maintenance and use of ponds, wells or other structures to treat sewage from ecotourism buildings constructed on the part mentioned opposite the ecotourism buildings in column 1, paragraph (a)
Lamington National Park—the following parts in Lot 496 on AP22466, shown on SP305395— (a) the part identified as Lot X, containing an area of 4.201ha;	 construction, refurbishment, maintenance and use of a campground and buildings or other structures associated with the campground

Column 1	Column 2
National park	Permitted use
(b) the part identified as Lot Y, containing an area of 1,111m ²	maintenance and use of caretaker premises associated with the campground
Main Range National Park—the following parts—	
(a) the part identified as Lot A in Lot 933 on NPW718, shown on SP304648, containing an area of 5,459m ² ;	construction, maintenance and use of buildings or other structures for overnight accommodation and other services related to ecotourism
(b) the part identified as Lot B in Lot 750 on NPW718, shown on SP304647, containing an area of 2,336m ²	construction, maintenance and use of buildings or other structures for overnight accommodation and other services related to ecotourism
Whitsunday Islands National Park—the parts of Whitsunday Island identified as ‘Authority Area’ covering part of Lot 428 on NPW621, shown on QPWSAP000327	maintenance and use of a campground and buildings or other structures associated with the campground
Wooroonooran National Park—the part identified as ‘(Lease Area “A”)', on plan CN 001 titled ‘Mamu Rainforest Canopy Walkway Lease Area “Wooroonooran” National Park’	Maintenance and use of a canopy walkway and maintenance, use, refurbishment or conversion of associated facilities for the walkway

Schedule 4 Permitted uses in national parks under former Act

section 19

Column 1	Column 2
National park or part of national park under former Act	Permitted use
Brampton Islands National Park—the following parts shown on CEN AP075— (a) lot A, containing an area of about 1.60ha; (b) lot B, containing an area of about 0.66ha; (c) lot C, containing an area of about 1.03ha; (d) lot D, containing an area of about 0.28ha	 maintenance and use of an airstrip maintenance and use of a sewage treatment facility maintenance and use of a tramway maintenance and use of an airstrip
Crater Lakes National Park—the part identified as the ‘Agreement area’ on plan Sec 37 Crater Lakes–1	construction, maintenance and use of buildings, structures and other improvements as part of, or for, a facility for providing tourism services
Molle Islands National Park—the parts identified on plan ‘South Molle Island Infrastructure on Lot A and B on HR1825’	maintenance and use of a water pipeline, water tanks, pumping station and sewage pipeline
Molle Islands National Park—the following parts shown on CEN AP078— (a) lot A, containing an area of about 2.4ha;	 maintenance and use of the water storage facility

Column 1	Column 2
National park or part of national park under former Act	Permitted use
(b) lot B, containing an area of about 0.70ha;	maintenance and use of the power substation
(c) lot C, containing an area of about 2.7ha	maintenance and use of the powerline corridor

Schedule 5 Prescribed places

section 38

Column 1	Column 2
National park	Prescribed place
Apudthama National Park (Cape York Peninsula Aboriginal Land)	all parts other than— (a) the parts within the Jardine River, and any of its tributaries, that are downstream of the line that is 5km upstream of the point where the river intersects the Old Peninsula Development Road; and (b) the part within Eliot Creek
Bladensburg National Park	all parts
Boodjamulla National Park (Aboriginal Land)	the part within the Gregory River
Bowling Green Bay National Park	all parts other than the parts that are inland of the Bruce Highway
Brampton Islands National Park	the parts that are tidal
Bribie Island National Park	the parts within the following— (a) First Lagoon; (b) Mermaid Lagoon; (c) Second Lagoon; (d) Welsby Lagoon
Broad Sound Islands National Park	the parts of Wild Duck Island that are tidal
Cape Melville National Park (Cape York Peninsula Aboriginal Land)	all parts

Column 1	Column 2
National park	Prescribed place
Cape Palmerston National Park	the parts that are tidal
Cape Upstart National Park	the following— (a) the parts that are tidal; (b) the part within Station Creek
Conway National Park	the following— (a) the parts that are tidal, other than Repulse Creek; (b) the parts within the part of Repulse Creek between— (i) its mouth; and (ii) the line that joins the point where Repulse Creek meets the western bank of Boulder Creek and the regulatory notice displayed on the northern bank of Repulse Creek <i>Note—</i> The line that joins the point where Repulse Creek meets the western bank of Boulder Creek and the regulatory notice erected on the northern bank of Repulse Creek is about 4.2km upstream from Repulse Bay, at about latitude 20°25.406' south, longitude 148°45.664' east.
Currawinya National Park	all parts

Schedule 5

Column 1	Column 2
National park	Prescribed place
Daintree National Park (Cape York Peninsula Aboriginal Land)	the parts that are tidal, south of Cape Tribulation, other than— (a) the parts within Coopers Creek; and (b) the parts within Mossman Gorge
Davies Creek National Park	all parts
Diamantina National Park	all parts
Dryander National Park	the parts that are tidal
Ella Bay National Park	all parts
Endeavour River National Park	all parts
Errk Oygangand National Park (Cape York Peninsula Aboriginal Land)	all parts
Eurimbula National Park	the parts that are tidal
Girramay National Park	all parts other than— (a) the parts that are south of Cardwell; and (b) the parts that are inland of the Bruce Highway
Girringun National Park	all parts
Gloucester Islands National Park	the parts that are tidal
Great Sandy National Park	the following— (a) the parts that are on the mainland; (b) the parts of K’gari that are tidal and north of the line that joins Eli Creek and Tenimby Creek

Column 1	Column 2
National park	Prescribed place
Grey Peaks National Park	all parts
Hinchinbrook Island National Park	the parts that are tidal other than the parts within Channel 9
Homevale National Park	all parts
Japoon National Park	all parts
Juunju Daarrba Nhirrpan National Park (Cape York Peninsula Aboriginal Land)	all parts
Kurrimine Beach National Park	all parts
Lindeman Islands National Park	the parts that are tidal
Lochern National Park	all parts
Maria Creek National Park	all parts
Millstream Falls National Park	all parts
Molle Islands National Park	the parts that are tidal
Newry Islands National Park	the following— (a) all parts that are tidal; (b) the part within Rabbit Creek
Northumberland Islands National Park	the parts that are tidal
Oyala Thumotang National Park (Cape York Peninsula Aboriginal land)	all parts other than the part within Peach Creek
Paluma Range National Park	the part within Crystal Creek
Percy Isles National Park	the parts of North East Island and South Island that are tidal
Poona National Park	the part within Kalah Creek

Schedule 5

Column 1	Column 2
National park	Prescribed place
Reliance Creek National Park	all parts
Repulse Islands National Park	the parts that are tidal
Rinyirru (Lakefield) National Park (Cape York Peninsula Aboriginal Land)	all parts
Russell River National Park	all parts
Smith Islands National Park	the parts that are tidal
South Cumberland Islands National Park	the parts that are tidal
Sundown National Park	all parts
Swain Reefs National Park	the parts that are tidal
Tully Gorge National Park	the parts within the Tully River and Koolomon Creek that are downstream of Elizabeth Grant Falls
Welford National Park	all parts
West Hill National Park	the part within Bone Creek
Whitsunday Islands National Park	the parts that are tidal
Wooroonooran National Park	all parts other than— (a) the part within Beatrice River Falls; and (b) the part within Behana Creek

Schedule 6 **Apiary areas and maximum apiary sites**

section 42 and 43

Column 1	Column 2	Column 3
National park	Apiary area	Maximum number of apiary sites
Bania National Park	former Bania Forest Reserve	4
	former Wonbah Forest Reserve	1
Bellthorpe National Park	former Bellthorpe Forest Reserve 2	26
	lot 572 on AP23880	2
Bingera National Park	former Bingera Forest Reserve	1
Blackdown Tableland National Park	former Blackdown Tableland Forest Reserve	14
Bulburin National Park	former Bulburin Forest Reserve	6
	former Polmailly Forest Reserve 2	1
Bunya Mountains National Park	former Neumgna Forest Reserve	12
Cherbourg National Park	former Cherbourg Forest Reserve	8

Schedule 6

Column 1	Column 2	Column 3
National park	Apiary area	Maximum number of apiary sites
Conondale National Park	former Conondale Forest Reserve 1	12
	former Conondale Forest Reserve 2	132
	former Imbil Forest Reserve 1	4
	former Kenilworth Forest Reserve	53
Cordalba National Park	former Cordalba Forest Reserve	3
Crows Nest National Park	former Perseverence Creek Forest Reserve	9
D'Aguilar National Park	former D'Aguilar Forest Reserve	38
	former Mt Glorious Forest Reserve	58
	former Enoggera Forest Reserve	6
	former Mount Mee Forest Reserve	41
Danbulla National Park	former Danbulla South Forest Reserve	1
	former Danbulla West Forest Reserve	1
Dan Dan National Park	former Dan Dan Forest Reserve	1
Deer Reserve National Park	former Deer Reserve Forest Reserve	4
Dinden National Park	lot 2 on AP23978	1
Dularcha National Park	former Mooloolah Forest Reserve	4
Gatton National Park	former Gatton Forest Reserve	3

Column 1	Column 2	Column 3
National park	Apiary area	Maximum number of apiary sites
Geham National Park	former Geham Forest Reserve	1
Glass House Mountains National Park	former Beerburrum Forest Reserve 1	8
	former Beerwah Forest Reserve	4
	lot 4 on AP23657	2
Glenbar National Park	former Miva Forest Reserve	1
Goomborian National Park	former Goomborian Forest Reserve	15
	former Woondum Forest Reserve 2	4
Great Sandy National Park	former Toolara Forest Reserve	7
	former Womalah Forest Reserve	1
Grongah National Park	former Grongah Forest Reserve	15
	former Marodian Forest Reserve	14
	former Teebar Forest Reserve 1	1
Gympie National Park	former Gympie Forest Reserve	17
Herberton Range National Park	lot 1 on AP23974	2
Kirrama National Park	former Kirrama Forest Reserve	3
Kondalilla National Park	former Maleny Forest Reserve 3	1
Kroombit Tops National Park	former Kroombit Tops Forest Reserve	32

Schedule 6

Column 1	Column 2	Column 3
National park	Apiary area	Maximum number of apiary sites
Littabella National Park	former Littabella Forest Reserve	6
Lockyer National Park	former Lockyer Forest Reserve	41
Main Range National Park	former Alford Forest Reserve	2
	former Emu Vale Forest Reserve	1
	former Goomburra Forest Reserve	2
	former Mt Mathieson Forest Reserve	2
	former Spicers Gap Forest Reserve	3
	former Teviot Forest Reserve	1
Maleny National Park	former Walli Forest Reserve	4
Mapleton National Park	former Mapleton Forest Reserve	42
Mooloolah River National Park	lot 2 on AP22458, and the area within lot 4 on AP22458, that were declared as a special management area (controlled action) for carrying out beekeeping activities	3
Mount Barney National Park	former Burnett Creek Forest Reserve	2
	former Palen Forest Reserve 1	1
	former Palen Forest Reserve 2	1
Mount Binga National Park	former Mount Binga Forest Reserve	2
Mount Walsh National Park	former Boompa Forest Reserve 2	2

Column 1	Column 2	Column 3
National park	Apiary area	Maximum number of apiary sites
Nangur National Park	former Nangur Forest Reserve	10
Nerang National Park	former Nerang Forest Reserve	22
Nour Nour National Park	former Nour Nour Forest Reserve	6
Pidna National Park	former Pidna Forest Reserve	2
Pumicestone National Park	former Beerburrum Forest Reserve 2	1
Springbrook National Park	former Austinville Forest Reserve 1	1
	former Austinville Forest Reserve 2	1
	former Numinbah Forest Reserve	11
Squirrel Creek National Park	lot 344 on AP23882	34
Tamborine National Park	former Tamborine Forest Reserve	10
Tewantin National Park	former Ringtail Forest Reserve	2
	former Tewantin Forest Reserve 1	16
	former Tewantin Forest Reserve 3	1
	former Yurol Forest Reserve	3
	lot 3 on AP22502	1
	lot 5 on AP23653	4

Schedule 6

Column 1	Column 2	Column 3
National park	Apiary area	Maximum number of apiary sites
	lots 5, 6 and 7 on AP23639 of former Yurol State Forest that were subject to previous use authorities for beekeeping activities	3
Tuchekoi National Park	former Tuchekoi Forest Reserve	4
Warro National Park	former Warro Forest Reserve	11
Woocoo National Park	former Woocoo Forest Reserve	2
Woondum National Park	former Woondum Forest Reserve 1	21
Wongi National Park	former Wongi Forest Reserve	49
Wrattens National Park	former Kandanga Forest Reserve	70
	former Wrattens Forest Reserve	119
	former Yabba Forest Reserve 2	8
	lot 1 on AP23883	9
	lot 1 on AP23884	5
	lot 1 on AP23979	6

Schedule 7 Minimum flying heights over protected areas

section 248

Part 1 All year

Column 1	Column 2
Protected area or part of a protected area	Minimum height
Capricornia Cays National Park—the parts within the following islands— • Erskine Island • Heron Island • Lady Musgrave Island • Masthead Island • North West Island • Tryon Island • Wilson Island	500ft above sea level
Capricornia Cays National Park (scientific)—the parts within the following islands— • East Fairfax Island • East Hoskyn Island • One Tree Island • West Fairfax Island • West Hoskyn Island • Wreck Island	500ft above sea level

Schedule 7

Column 1	Column 2
Protected area or part of a protected area	Minimum height
Carnarvon National Park—the parts within the following areas— (a) the area formed by joining the following points— - latitude 24°51' south, longitude 147°58' east - latitude 24°51' south, longitude 148°02' east - latitude 25°01' south, longitude 148°18' east - latitude 25°09' south, longitude 148°16' east - latitude 24°59' south, longitude 148°00' east; (b) the area formed by joining the following points— - latitude 25°07' south, longitude 148°20' east - latitude 25°07' south, longitude 148°32' east - latitude 25°15' south, longitude 148°32' east - latitude 25°15' south, longitude 148°20' east	500ft above sea level
Claremont Isles National Park—the part within Pelican Island	500ft above sea level
Currawinya National Park	500ft above sea level
D'Aguiar National Park	500ft above ground level
Glasshouse Mountains National Park	500ft above ground level
Hinchinbrook Island National Park	500ft above ground level

Column 1	Column 2
Protected area or part of a protected area	Minimum height
Howick Group National Park (Cape York Peninsula Aboriginal Land)—the parts within the following islands— • Combe Island • Stapleton Island	500ft above sea level
Lamington National Park	500ft above ground level
Mount Barney National Park	500ft above ground level
Michaelmas and Upolu Cays National Park—the part within Michaelmas Cay	500ft above sea level
Raine Island National Park (scientific)—the parts within the following areas— • MacLennan Cay • Moulter Cay • Raine Island	500ft above sea level
Sandbanks National Park—the parts within the following areas— • Sandbank No. 7 • Sandbank No. 8	500ft above sea level
Springbrook National Park	500ft above ground level

Schedule 7

Column 1	Column 2
Protected area or part of a protected area	Minimum height
Swain Reefs National Park—the parts within the following areas— - Bacchi Cay - Bell Cay - Bylund Cay - Frigate Cay - Gannett Cay - Price Cay - Thomas Cay	500ft above sea level

Part 2 **Seasonal**

Column 1	Column 2	Column 3
Protected area or part of a protected area	Minimum height	Period
Barnard Island Group National Park—the parts within the following islands— - Sisters Island - Stephens Island	500ft above sea level	the period beginning on 1 September in a year and ending on 1 April in the following year
Swain Reefs National Park—the parts within the following areas— - Distant Cay - Riptide Cay	500ft above sea level	the period beginning on 1 October in a year and ending on 1 April in the following year

Schedule 8 Fees

section 276(1)

Part 1 Fees for resources permits

	Fee units
1 Resources permit authorising the taking of a seed or other propagative material of a least concern plant (ss 114(2)(c) and 276(1))—	
(a) for each kilogram of seed, or each linear metre of other propagative material of a least concern plant mentioned in schedule 9, part 1—	
(i) if the plant is a category 1 least concern plant	1.79
(ii) if the plant is a category 2 least concern plant	3.55
(iii) if the plant is a category 3 least concern plant	7.75
(iv) if the plant is a category 4 least concern plant	11.85
(v) if the plant is a category 5 least concern plant	15.85
(vi) if the plant is a category 6 least concern plant	19.95
(vii) if the plant is a category 7 least concern plant	24.25
(viii) if the plant is a category 8 least concern plant	28.15
(ix) if the plant is a category 9 least concern plant	32.35
(x) if the plant is a category 10 least concern plant	36.45
(xi) if the plant is a category 11 least concern plant	40.75
(xii) if the plant is a category 12 least concern plant	44.65
(xiii) if the plant is a category 13 least concern plant	48.90
(xiv) if the plant is a category 14 least concern plant	52.90
(xv) if the plant is a category 15 least concern plant	57.05

Schedule 8

	Fee units
(xvi) if the plant is a category 16 least concern plant	61.20
(xvii) if the plant is a category 17 least concern plant	71.40
(xviii) if the plant is a category 18 least concern plant	81.75
(xix) if the plant is a category 19 least concern plant	92.00
(xx) if the plant is a category 20 least concern plant	102.30
(xxi) if the plant is a category 21 least concern plant	112.40
(xxii) if the plant is a category 22 least concern plant	122.60
(xxiii) if the plant is a category 23 least concern plant	132.90
(xxiv) if the plant is a category 24 least concern plant	143.10
(xxv) if the plant is a category 25 least concern plant	153.20
(xxvi) if the plant is a category 26 least concern plant	163.50
(xxvii) if the plant is a category 27 least concern plant	173.80
(xxviii) if the plant is a category 28 least concern plant	184.00
(xxix) if the plant is a category 29 least concern plant	195.20
(xxx) if the plant is a category 30 least concern plant	204.80
(xxxi) if the plant is a category 31 least concern plant	245.90
(xxxii) if the plant is a category 32 least concern plant	286.70
(xxxiii) if the plant is a category 33 least concern plant	327.80
(xxxiv) if the plant is a category 34 least concern plant	369.30
(xxxv) if the plant is a category 35 least concern plant	410.40
(xxxvi) if the plant is a category 36 least concern plant	451.20
(b) for each kilogram of seed of a least concern plant not mentioned in paragraph (a)—	
(i) if there are not more than 10 seeds of the plant in the kilogram	1.79
(ii) if there are more than 10 seeds but not more than 1,000 seeds of the plant in the kilogram	3.55

	Fee units
(iii) if there are more than 1,000 seeds but not more than 10,000 seeds of the plant in the kilogram	11.85
(iv) if there are more than 10,000 seeds but not more than 50,000 seeds of the plant in the kilogram	20.00
(v) if there are more than 50,000 seeds but not more than 100,000 seeds of the plant in the kilogram	32.35
(vi) if there are more than 100,000 seeds of the plant in the kilogram	44.65
(c) for each linear metre of other propagative material of a least concern plant not mentioned in paragraph (a)	1.79
2 Resources permit authorising the taking of foliage, flowers or inflorescences of a least concern plant (ss 114(2)(c) and 276(1))—	
(a) for each kilogram of foliage, flowers or inflorescences of a least concern plant mentioned in schedule 9, part 2—	
(i) if the plant is a category A least concern plant	1.59
(ii) if the plant is a category B least concern plant	1.97
(iii) if the plant is a category C least concern plant	2.50
(b) for each kilogram of foliage, flowers or inflorescences of a least concern plant not mentioned in paragraph (a)	2.39
3 Apiary permit, for each apiary site (ss 114(2)(c) and 276(1))—	
(a) for a term of not more than 6 months	99.45
(b) for a term of more than 6 months but not more than 1 year	148.30
(c) for a term of more than 1 year but not more than 2 years	267.20
(d) for a term of more than 2 years but not more than 3 years	378.70
(e) for a term of more than 3 years but not more than 4 years	475.20

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	Fee units
(f) for a term of more than 4 years	555.00
4 Transfer of apiary permit (ss 146(2)(b) and 276(1))	67.25

Part 2 Fees for other permits for protected areas

	Fee units
5 Camping permit other than if a commercial activity permit under item 10 is required (ss 112 and 276(1))—	
(a) for each night the camp the subject of the permit is booked—	
(i) for each person 5 years or older taking part in an educational tour, or a camp, of a type approved by the chief executive	3.75
(ii) for each other person 5 years or older	6.85
(b) maximum for a family for each night	4 times the fee for each other person as stated in paragraph (a) (ii)
6 Permit fee for stock grazing permit, for each year (ss 85, 114(2)(c) and 276(1))—	
(a) for each head of stock—	
(i) for an area with a stock-carrying capacity of 1 head in not more than 4ha	22.15
(ii) for an area with a stock-carrying capacity of 1 head in more than 4ha but not more than 10ha	15.30

	Fee units
(iii) for an area with a stock-carrying capacity of 1 head in more than 10ha but not more than 15ha	8.30
(iv) for an area with a stock-carrying capacity of 1 head in more than 15ha but not more than 25ha	6.65
(v) for an area with a stock-carrying capacity of 1 head in more than 25ha	4.75
(b) minimum fee payable	95.20
7 Travelling stock permit (ss 114(2)(c) and 276(1)), for each day the stock are to travel under the permit, for each group of up to 20 head of large stock or 140 head of small stock	1.00
8 Commercial activity permit for filming or photography that involves 11 or more persons if no prescribed structure is involved (ss 114(2)(c), 154(2)(c) and 276(1))—	
(a) application fee	383.60
(b) renewal fee	383.60
(c) permit fee—for each day on which activities are conducted under the permit	192.30
9 Commercial activity permit for filming or photography if a prescribed structure is involved (ss 114(2)(c), 154(2)(c) and 276(1))—	
(a) for 1 to 5 persons involved in the filming or photography—	
(i) application fee	192.30
(ii) renewal fee	192.30
(iii) permit fee—for each day on which activities are conducted under the permit	192.30
(b) for 6 to 25 persons involved in the filming or photography—	
(i) application fee	951.00

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	Fee units
(ii) renewal fee	951.00
(iii) permit fee—for each day on which activities are conducted under the permit	951.00
(c) for 26 to 50 persons involved in the filming or photography—	
(i) application fee	1,916.00
(ii) renewal fee	1,916.00
(iii) permit fee—for each day on which activities are conducted under the permit	1,916.00
(d) for 51 or more persons involved in the filming or photography—	
(i) application fee	3,845.00
(ii) renewal fee	3,845.00
(iii) permit fee—for each day on which activities are conducted under the permit	3,845.00
10 Commercial activity permit, other than for filming or photography (ss 102(3), 114(2)(c), 154(2)(c) and 276(1))—	
(a) application fee—	
(i) if the permit is the same or substantially the same as a commercial activity permit held by the applicant within the previous 3 months	182.30
(ii) otherwise	365.30
(b) renewal fee	182.30
(c) permit fee—	
(i) for a term of not more than 3 months	73.10
(ii) for a term of more than 3 months but not more than 1 year	291.80
(iii) for a term of more than 1 year but not more than 2 years	584.00

	Fee units
(iv) for a term of more than 2 years but not more than 3 years	825.00
(v) for a term of more than 3 years—	
(A) for the first 3 years of the term	825.00
(B) for each year after the third year of the term	276.30
(d) additional daily fee for each person, 5 years or older, taking part in a relevant activity conducted under the permit, other than an educational tour, or a camp, of a type approved by the chief executive—	
(i) if the activity lasts less than 3 hours	2.37
(ii) otherwise	4.18
(e) camping fee for each person, 5 years or older, taking part in a relevant activity conducted under the permit, for each night camped under the permit—	
(i) if the activity is an educational tour, or a camp, of a type approved by the chief executive	3.75
(ii) otherwise	6.85
11 Transfer of a commercial activity permit (s 147(2)(c))	181.90
12 Organised event permit (ss 102(3), 114(2)(c) and 276(1))—	
(a) application fee	36.15
(b) additional daily fee if special access is to be allowed, special supervision is needed, or an area is reserved for use, for a relevant activity conducted under the permit, for each day on which the activity is conducted under the permit—	
(i) if the activity is a vehicle-based activity—for each vehicle used for the activity	5.15

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	Fee units
(ii) otherwise—for each person taking part in the activity	2.55
(c) camping fee for each night camped under the permit—	
(i) for each person 5 years or older taking part in a relevant activity conducted under the permit—	
(A) if the activity is an educational tour, or a camp, of a type approved by the chief executive	3.75
(B) otherwise	6.85
(ii) maximum for a family	4 times the fee stated for subparagraph (i)(B)

Part 3

Fees for commercial activity agreements

	Fee units
13 Commercial activity agreement (ss 170(b) and 176(2)(b))—	
(a) for submission of an expression of interest	365.30
(b) for an application	365.30
(c) for using a way, not involving submission of an expression of interest or an application, to enter into a commercial activity agreement	nil

Part 4 Fees for amendments of authorities

	Fee units
14 For an amendment of a protected area authority for which a fee is payable, other than a change of address, requested by the holder of the authority (ss 129(2)(a) and 276(1))—	
(a) for a camping permit—	
(i) for every third amendment	15.50
(ii) for every other amendment	nil
(b) for an amendment of another protected area authority—for each amendment	18.95

Schedule 9 Categories of plants for fees

section 276(4)

**Part 1 Categories of least concern
plants for fees payable for
seeds or other propagative
material**

Least concern plant (scientific name)	Category
<i>Acacia adunca</i>	7
<i>Acacia aneura</i>	5
<i>Acacia aulacocarpa</i>	11
<i>Acacia auriculiformis</i>	18
<i>Acacia bakeri</i>	21
<i>Acacia bancroftiorum</i>	11
<i>Acacia bidwillii</i>	12
<i>Acacia buxifolia</i> subsp. <i>buxifolia</i>	7
<i>Acacia cincinnata</i>	18
<i>Acacia complanata</i>	7
<i>Acacia conferta</i>	8
<i>Acacia crassa</i>	9
<i>Acacia crassicarpa</i>	18
<i>Acacia deanei</i> subsp. <i>deanei</i>	6
<i>Acacia decora</i>	9
<i>Acacia excelsa</i>	14

Least concern plant (scientific name)	Category
<i>Acacia falciformis</i>	8
<i>Acacia fasciculifera</i>	12
<i>Acacia fimbriata</i>	7
<i>Acacia flavescens</i>	6
<i>Acacia floribunda</i>	7
<i>Acacia glaucocarpa</i>	14
<i>Acacia harpophylla</i>	12
<i>Acacia holosericea</i>	10
<i>Acacia hubbardiana</i>	14
<i>Acacia irrorata</i> subsp. <i>irrorata</i>	9
<i>Acacia ixiophylla</i>	11
<i>Acacia julifera</i>	14
<i>Acacia leiocalyx</i>	9
<i>Acacia leptocarpa</i>	9
<i>Acacia leptoloba</i>	9
<i>Acacia macradenia</i>	8
<i>Acacia mangium</i> found north of latitude 15° south	21
<i>Acacia mangium</i> found south of latitude 15° south	19
<i>Acacia melanoxylon</i>	10
<i>Acacia nuperrima</i> subsp. <i>cassitera</i>	21
<i>Acacia oshanesii</i>	12
<i>Acacia pendula</i>	12
<i>Acacia penninervis</i>	7
<i>Acacia platycarpa</i>	14

Schedule 9

Least concern plant (scientific name)	Category
<i>Acacia podalyriifolia</i>	5
<i>Acacia salicina</i>	12
<i>Acacia semilunata</i>	9
<i>Acacia semirigida</i>	9
<i>Acacia simsii</i>	9
<i>Acacia sophorae</i>	5
<i>Acacia spectabilis</i>	6
<i>Acacia stenophylla</i>	13
<i>Acacia suaveolens</i>	9
<i>Acacia</i> spp. other than a species already mentioned in this schedule	12
<i>Acmena</i> spp.	4
<i>Agathis atropurpurea</i>	31
<i>Agathis robusta</i>	17
<i>Albizia</i> spp.	5
<i>Allocasuarina inophloia</i>	14
<i>Allocasuarina littoralis</i>	7
<i>Allocasuarina luehmannii</i>	12
<i>Allocasuarina torulosa</i>	11
<i>Alloxylon</i> spp.	21
<i>Alphitonia excelsa</i>	11
<i>Alphitonia petriei</i>	11
<i>Alstonia scholaris</i>	14
<i>Angophora leiocarpa</i>	14

Least concern plant (scientific name)	Category
<i>Angophora</i> spp. other than <i>Angophora leiocarpa</i>	18
<i>Araucaria bidwillii</i>	1
<i>Araucaria cunninghamii</i> var. <i>cunninghamii</i>	4
<i>Argyrodendron</i> spp.	9
<i>Asteromyrtus symphyocarpa</i>	21
<i>Athertonia diversifolia</i>	4
<i>Auranticarpa rhombifolia</i>	14
<i>Auranticarpa</i> spp. other than <i>Auranticarpa rhombifolia</i>	12
<i>Baeckea</i> spp.	18
<i>Banksia</i> spp.	18
<i>Blepharocarya involucrigera</i>	21
<i>Bowenia serrulata</i>	3
<i>Bowenia spectabilis</i>	6
<i>Brachychiton</i> spp.	6
<i>Buckinghamia celsissima</i>	18
<i>Callistemon montanus</i>	9
<i>Callistemon pachyphyllus</i>	12
<i>Callistemon rigidus</i>	10
<i>Callistemon salignus</i>	9
<i>Callistemon sieberi</i>	10
<i>Callistemon viminalis</i>	11
<i>Callistemon</i> spp. other than a species already mentioned in this schedule	12
<i>Callitris columellaris</i>	16

Schedule 9

Least concern plant (scientific name)	Category
<i>Callitris macleayana</i>	18
<i>Callitris rhomboidea</i>	11
<i>Callitris</i> spp. other than a species already mentioned in this schedule	16
<i>Cardwellia sublimis</i>	9
<i>Cassia</i> spp.	6
<i>Castanospermum australe</i>	1
<i>Casuarina cristata</i>	14
<i>Casuarina cunninghamiana</i>	9
<i>Casuarina equisetifolia</i>	12
<i>Casuarina glauca</i>	10
<i>Corymbia abergiana</i>	18
<i>Corymbia citriodora</i>	18
<i>Corymbia gummifera</i>	14
<i>Corymbia henryi</i>	18
<i>Corymbia intermedia</i>	14
<i>Corymbia papuana</i>	19
<i>Corymbia peltata</i>	12
<i>Corymbia polycarpa</i>	14
<i>Corymbia setosa</i>	19
<i>Corymbia tessellaris</i>	19
<i>Corymbia torelliana</i>	21
<i>Corymbia trachyphloia</i>	14
<i>Corymbia</i> spp. other than a species already mentioned in this schedule	14

Least concern plant (scientific name)	Category
<i>Cupaniopsis</i> spp.	5
<i>Cycas media</i> subsp. <i>banksii</i>	1
<i>Cycas media</i> subsp. <i>media</i>	1
<i>Cycas</i> spp. other than a species already mentioned in this schedule	3
<i>Darlingia darlingiana</i>	14
<i>Darlingia ferruginea</i>	14
<i>Dysoxylum</i> spp.	4
<i>Elaeocarpus grandis</i>	3
<i>Erythrina vespertilio</i>	6
<i>Erythrophleum chlorostachys</i>	9
<i>Eucalyptus acmenoides</i>	12
<i>Eucalyptus andrewsii</i>	12
<i>Eucalyptus baileyana</i>	14
<i>Eucalyptus bakeri</i>	14
<i>Eucalyptus bancroftii</i>	14
<i>Eucalyptus caleyi</i> subsp. <i>caleyi</i>	13
<i>Eucalyptus camaldulensis</i> found north of latitude 18° south	13
<i>Eucalyptus camaldulensis</i> found south of latitude 18° south	7
<i>Eucalyptus cambageana</i>	12
<i>Eucalyptus carnea</i>	12
<i>Eucalyptus cloeziana</i>	7
<i>Eucalyptus conica</i>	14
<i>Eucalyptus crebra</i>	13

Schedule 9

Least concern plant (scientific name)	Category
<i>Eucalyptus deanei</i>	12
<i>Eucalyptus decorticans</i>	17
<i>Eucalyptus drepanophylla</i>	12
<i>Eucalyptus eugenioides</i>	12
<i>Eucalyptus exserta</i>	12
<i>Eucalyptus fibrosa</i>	13
<i>Eucalyptus grandis</i> found north of latitude 20° south	18
<i>Eucalyptus grandis</i> found south of latitude 20° south	11
<i>Eucalyptus intertexta</i>	19
<i>Eucalyptus laevopinea</i>	10
<i>Eucalyptus leptophleba</i>	12
<i>Eucalyptus major</i>	9
<i>Eucalyptus melanophloia</i>	13
<i>Eucalyptus melliodora</i>	11
<i>Eucalyptus microcarpa</i>	11
<i>Eucalyptus microcorys</i>	9
<i>Eucalyptus microtheca</i>	9
<i>Eucalyptus miniata</i>	21
<i>Eucalyptus moluccana</i>	12
<i>Eucalyptus normantonensis</i>	12
<i>Eucalyptus nova-anglica</i>	16
<i>Eucalyptus ochrophloia</i>	18
<i>Eucalyptus orgadophila</i>	12
<i>Eucalyptus pellita</i>	18

Least concern plant (scientific name)	Category
<i>Eucalyptus phoenicea</i>	21
<i>Eucalyptus pilligaensis</i>	12
<i>Eucalyptus pilularis</i>	6
<i>Eucalyptus planchoniana</i>	11
<i>Eucalyptus platyphylla</i>	12
<i>Eucalyptus populnea</i>	18
<i>Eucalyptus propinqua</i>	9
<i>Eucalyptus pruinosa</i>	18
<i>Eucalyptus quadrangulata</i>	14
<i>Eucalyptus racemosa</i> subsp. <i>racemosa</i>	9
<i>Eucalyptus resinifera</i>	13
<i>Eucalyptus robusta</i>	7
<i>Eucalyptus saligna</i>	11
<i>Eucalyptus shirleyi</i>	14
<i>Eucalyptus siderophloia</i>	12
<i>Eucalyptus sideroxylon</i>	12
<i>Eucalyptus staigeriana</i>	18
<i>Eucalyptus tenuipes</i>	12
<i>Eucalyptus tereticornis</i> found north of latitude 18° south	13
<i>Eucalyptus tereticornis</i> found south of latitude 18° south	10
<i>Eucalyptus thozetiana</i>	19
<i>Eucalyptus youmanii</i>	14
<i>Eucalyptus</i> spp. other than a species already mentioned in this schedule	14

Schedule 9

Least concern plant (scientific name)	Category
<i>Euodia</i> spp.	6
<i>Ficus</i> spp.	12
<i>Flindersia</i> spp.	17
<i>Gmelina</i> spp.	7
<i>Grevillea banksii</i>	14
<i>Grevillea glauca</i>	19
<i>Grevillea longistyla</i>	19
<i>Grevillea parallela</i>	19
<i>Grevillea pteridifolia</i>	19
<i>Grevillea robusta</i>	21
<i>Grevillea whiteana</i>	19
<i>Grevillea</i> spp. other than a species already mentioned in this schedule	19
<i>Hakea</i> spp.	21
<i>Hardenbergia violacea</i>	12
<i>Harpullia</i> spp.	6
<i>Hovea</i> spp.	14
<i>Hymenosporum flavum</i>	16
<i>Jagera pseudorhus</i>	5
<i>Kunzea</i> spp.	14
<i>Lepidozamia hopei</i>	4
<i>Leptospermum liversidgei</i>	6
<i>Leptospermum petersonii</i>	7
<i>Leptospermum polygalifolium</i>	5

Least concern plant (scientific name)	Category
<i>Leptospermum</i> spp. other than a species already mentioned in this schedule	9
<i>Lophostemon confertus</i>	6
<i>Lophostemon suaveolens</i>	7
<i>Lysiphyllum</i> spp.	6
<i>Macrozamia lucida</i>	2
<i>Macrozamia moorei</i>	1
<i>Macrozamia</i> spp. other than a species already mentioned in this schedule	2
<i>Melaleuca argentea</i>	16
<i>Melaleuca bracteata</i>	12
<i>Melaleuca cajuputi</i> subsp. <i>platyphylla</i>	18
<i>Melaleuca dealbata</i>	16
<i>Melaleuca decora</i>	13
<i>Melaleuca lanceolata</i>	9
<i>Melaleuca leucadendra</i>	13
<i>Melaleuca linariifolia</i>	12
<i>Melaleuca minutifolia</i>	18
<i>Melaleuca nervosa</i>	16
<i>Melaleuca nodosa</i>	14
<i>Melaleuca quinquenervia</i>	12
<i>Melaleuca sieberi</i>	14
<i>Melaleuca stenostachya</i>	13
<i>Melaleuca styphelioides</i>	12
<i>Melaleuca thymifolia</i>	16

Schedule 9

Least concern plant (scientific name)	Category
<i>Melaleuca viridiflora</i>	18
<i>Melaleuca</i> spp. other than a species already mentioned in this schedule	12
<i>Melia azedarach</i>	3
<i>Myristica insipida</i>	3
<i>Pittosporum</i> spp. other than <i>Pittosporum undulatum</i>	12
<i>Pittosporum undulatum</i>	7
<i>Placospermum coriaceum</i>	14
<i>Pleiogynium timorense</i>	2
<i>Podocarpus elatus</i>	3
<i>Podocarpus grayae</i>	3
<i>Podocarpus smithii</i>	21
<i>Pultenaea</i> spp.	21
<i>Rhodosphaera rhodanthema</i>	5
<i>Schefflera actinophylla</i>	5
<i>Stenocarpus</i> spp.	14
<i>Sundacarpus amarus</i>	3
<i>Syncarpia glomulifera</i> subsp. <i>glomulifera</i>	5
<i>Syncarpia hillii</i>	6
<i>Syzygium</i> spp.	4
<i>Toona ciliata</i>	16
<i>Tristaniopsis</i> spp.	9
<i>Xanthorrhoea</i> spp.	12
<i>Xanthostemon</i> spp.	19

Part 2

Categories of least concern plants for fees payable for foliage, flowers or inflorescences

Least concern plant (scientific name)	Category
<i>Babingtonia</i> spp.	A
<i>Baeckea frutescens</i>	A
<i>Baloskion pallens</i>	B
<i>Baloskion tetraphyllum</i>	B
<i>Banksia</i> spp.	A
<i>Calochlaena dubia</i>	C
<i>Caustis blakei</i>	B
<i>Caustis flexuosa</i>	B
<i>Caustis recurvata</i>	B
<i>Dicranopteris linearis</i>	C
<i>Gahnia sieberiana</i>	B
<i>Gleichenia dicarpa</i>	C
<i>Hakea actites</i>	A
<i>Lepidozamia peroffskyana</i>	A
<i>Leptospermum petersonii</i>	A
<i>Leptospermum polygalifolium</i>	A
<i>Lomandra longifolia</i>	B
<i>Persoonia virgata</i>	A
<i>Petrophile canescens</i>	A

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Least concern plant (scientific name)	Category
<i>Petrophile shirleyae</i>	A
<i>Pteridium esculentum</i>	C
<i>Sticherus</i> spp.	C
<i>Strangea linearis</i>	A
<i>Xanthorrhoea</i> spp.	A

Schedule 10 Dictionary

section 3

Aboriginal land protected area means—

- (a) a national park (Cape York Peninsula Aboriginal land); or
- (b) an Indigenous joint management area.

activity permit see section 7(3).

additional daily fee—

- (a) in relation to a commercial activity permit—means the fee mentioned in schedule 8, part 2, item 10(d); or
- (b) in relation to an organised event permit—means the fee mentioned in schedule 8, part 2, item 12(b).

apiary area means an area prescribed as an apiary area under section 42.

apiary permit see section 71.

apiary site see section 68(2).

area closed to the public means a protected area or a part of a protected area declared to be closed to the public under section 37.

associate, of a person whose suitability to hold a protected area authority is being considered, see section 106.

associated facilities, for a canopy walkway in a national park, means facilities in the area for—

- (a) the management of the walkway; or
- (b) tourism services, other than overnight accommodation, for visitors to the walkway.

Example of tourism services—

services relating to the provision of tourism information, food and beverages or souvenirs

authorisation, in relation to a commercial activity agreement, means—

- (a) the authority to conduct a commercial activity under the agreement; and
- (b) the obligations under the agreement for, and the conditions relating to, the conduct of the activity.

beekeeping means taking, using, keeping or interfering with a cultural or natural resource for beekeeping.

buyer, in relation to a commercial activity agreement, see section 195(1).

camp includes each of the following—

- (a) to pitch, place or erect a tent, caravan or another structure for the purpose of staying overnight;
- (b) to place other equipment, or a vehicle in position, for the purpose of staying overnight;
- (c) to keep a tent, caravan or another structure or other equipment that may be used for the purpose of staying overnight, whether or not the tent, caravan, structure or equipment is unattended;
- (d) to stay overnight, other than—
 - (i) in a place that is the subject of a relevant arrangement; or
 - (ii) as part of an activity that—
 - (A) does not involve the use of any camping equipment; and
 - (B) is generally not considered to be camping.

camping area means an area stated to be a camping area in a camping notice under section 27.

camping equipment means equipment or any other things used for camping.

camping fee means the fee stated in schedule 8 for camping in a protected area.

camping permit see section 82.

camping tag, for a camping permit, means—

- (a) a tag giving details of the permit, provided electronically by the chief executive to the holder of the permit and printed on paper by the holder; or
- (b) another piece of paper on which the holder of the permit has written details of the permit.

camp site means a location at which a person is camping or has booked for camping on the departmental system.

canopy walkway means a walkway with sections in and above a forest canopy.

Cape York Peninsula Region see the *Cape York Peninsula Heritage Act 2007*, section 7.

character, of an area, see section 4.

commercial activity see section 5.

commercial activity agreement see section 162(1).

commercial activity permit see section 92.

communications use means construction, maintenance and use of buildings, structures and other improvements as part of, or for, a facility for providing communication services.

controlling activity see section 73.

corporation see the Corporations Act, section 57A.

demerit point means a demerit point accumulated under section 111.

departmental officer means a public service employee employed in the department.

departmental system, in relation to an action, means—

- (a) if the action is automatically granting a camping permit for a camping area, prescribed for section 143B(1)(a) of the Act—the electronic system approved under section 143BA(1) of the Act by the chief executive for that purpose; or
- (b) if the action is automatically amending a camping permit for a camping area, 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—the electronic system approved by the chief executive, and made accessible on the department’s website, for the action.

deposit includes drop, leave, place and throw.

dingo means an animal of the species *Canis familiaris* (*dingo*).

drone means a device capable of flight—

- (a) that is able to be remotely piloted or programmed to autonomously fly a particular route; and
- (b) that is not capable of transporting a person.

electricity distribution use means construction, maintenance and use of either or both of the following—

- (a) a supply network within the meaning of the *Electricity Act 1994*, section 8;
- (b) a transmission grid within the meaning of the *Electricity Act 1994*, section 6.

entrance, to a protected area or part of a protected area, means the location—

- (a) developed by the chief executive for vehicular or walking access to the area or part; and
- (b) commonly used by people to drive, ride or walk into the area or part.

estuarine crocodile means an animal of the species *Crocodylus porosus*.

existing permit, for chapter 5, part 7, see section 154(1).

fee exemption application see section 284(1).

fee or return failure see section 142(2).

insurance cover, for activities to be conducted under a protected area authority or commercial activity agreement, means a policy of insurance that insures against a claim for

damage, injury or loss to any person, and damage to property, arising from the activities.

interested group, in relation to a protected area, means a community or group of—

- (a) Aboriginal people particularly concerned with land, within the meaning of the *Aboriginal Land Act 1991*, section 3, in relation to the protected area; or
- (b) Torres Strait Islander peoples particularly concerned with land, within the meaning of the *Torres Strait Islander Land Act 1991*, section 3, in relation to the protected area.

joint marine park permit means a document that includes a commercial activity permit and either or both of the following—

- (a) a permission granted under the *Marine Parks Act 2004*;
- (b) a permission granted under the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

lake includes lagoon, swamp, marsh and any other natural collection of water.

large stock means alpacas, buffaloes, camels, cattle, deer, donkeys, horses or llamas.

litter includes cold ash and discarded food.

litter bin means a receptacle for litter, provided by the chief executive.

management instrument means—

- (a) a conservation plan; or
- (b) a management plan; or
- (c) a conservation agreement; or
- (d) a management statement.

management principles, for a protected area, means the management principles for a protected area of that class as mentioned in part 4, division 1 of the Act.

marine navigation use means construction, maintenance or use of buildings, structures or other improvements as part of, or for, a facility for assisting marine navigation.

marine park Act means—

- (a) the *Marine Parks Act 2004*; or
- (b) the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

marine park permission means a permission granted under a marine park Act.

Maritime Safety Queensland means Maritime Safety Queensland established under the *Maritime Safety Queensland Act 2002*, section 7.

mining chief executive means the chief executive of the department in which the *Mineral Resources Act 1989* is administered.

mud crab means an animal of the species *Scylla serrata*.

new permit, for the holder of an existing permit who has made a renewal request, for chapter 5, part 7, see section 152.

notice means written notice.

organised event see section 6.

organised event permit see section 95.

other party, to a commercial activity agreement, see section 184(1).

permitted plant part, for chapter 3, part 3, division 1, subdivision 2, see section 52.

permit to enter a national park (scientific) see section 93.

permit to solicit donations or information see section 94.

permit to use recreational craft see section 96.

person in charge, of an animal, see the *Animal Care and Protection Act 2001*, section 12.

prescribed commercial activity, for a protected area or part of a protected area, means a commercial activity declared to be a

prescribed commercial activity under section 34 for the area or part.

prescribed structure—

- (a) means a structure or equipment for facilitating filming or photography; and
- (b) includes a building, drone, generator, platform, shelter, tower or vehicle for facilitating filming or photography; and
- (c) does not include—
 - (i) a camera or camera accessories; or
 - (ii) a tripod; or
 - (iii) a portable hide large enough to shelter only 1 person; or
 - (iv) a power source consisting of only dry cells or a single wet cell battery; or
 - (v) a vehicle used only for transport or camping as authorised under the Act or the *Recreation Areas Management Act 2006*.

private coordinated conservation area means a coordinated conservation area, or part of a coordinated conservation area, on land that is not State land.

protected area authority see section 7(1).

quarry material does not include—

- (a) a mineral under the *Mineral Resources Act 1989*; or
- (b) bush rock; or
- (c) guano.

Queensland Transport means the department in which the *Transport Operations (Marine Safety) Act 1994* is administered.

recorded activity permit see section 98.

regulatory information notice see section 22(2).

regulatory notice see section 20(3).

related permission, for a joint marine park permit, means the part of the permit that is a marine park permission.

relevant activity, for a recorded activity permit, means—

- (a) camping; or
- (b) another activity stated on the permit to be an activity for which a record must be made.

relevant arrangement means—

- (a) a lease, agreement, licence, permit or other authority—
 - (i) granted, made, issued or given under section 34 of the Act; or
 - (ii) granted under section 36 of the Act; or
 - (iii) renewed under section 37 of the Act; or
- (b) a lease granted under the *Land Act 1994* in the way mentioned in section 38 of the Act; or
- (c) a commercial activity agreement entered into for a purpose related to providing accommodation to persons in a protected area.

relevant day, for a person, see section 106.

relevant national park means a national park, other than a special management area (controlled action) to allow activities of the type or for the purpose stated in section 17(1A)(a) of the Act.

relevant person, for the holder of a protected area authority, see section 8.

renewal request see section 154(1).

resources permit see section 7(2).

restricted access area means an area declared to be a restricted access area under section 28.

restricted access area notice see section 28(2).

restricted access area permit see section 90.

restrictive act means—

- (a) for an organised event permit or commercial activity permit—an amendment, suspension or cancellation of the permit; or
- (b) for a commercial activity agreement—an amendment or cancellation of the agreement or suspension of the authorisation under it.

road see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

scientific purpose includes an archaeological, anthropological or sociological purpose.

seller, in relation to a commercial activity agreement, see section 195(1).

small stock means goats, ostriches, peafowl or sheep.

special access, for conducting an activity authorised under an organised event permit, means access to the protected area or part of the protected area the subject of the permit if access to the area or part would not otherwise be generally allowed.

special activity, for a protected area or a part of a protected area, means an activity that is declared to be a special activity for the area or part under—

- (a) a special activity notice displayed under section 35; or
- (b) a conservation plan that identifies the area or part as, or including, a critical habitat for wildlife.

special activity permit see section 97.

special supervision, of an activity authorised under an organised event permit, means supervision by a departmental officer of the conduct of the activity if the supervision is reasonably necessary to ensure public safety or protection of the environment.

specified cooking or heating appliance means a portable cooking or heating appliance that is self-contained and uses manufactured fuel, including, for example, refined oil or gas.

stock grazing permit see section 84.

stock mustering permit see section 86.

substantially the same, in relation to activities, see section 153(1).

term, of a protected area authority, means the term stated in the authority under section 125.

travelling stock permit see section 89.

vehicle includes a bicycle.

vehicle-based activity, in relation to an organised event permit, means an activity the permit states is a vehicle-based activity because a significant component of the activity involves using a vehicle.

vehicle registration Act means—

- (a) the *Transport Operations (Road Use Management) Act 1995*; or
- (b) a law of another State or the Commonwealth that corresponds to the *Transport Operations (Road Use Management) Act 1995*.

watercourse means a river, creek or stream in which water flows permanently or intermittently.