



Queensland

*Nature Conservation Act 1992*

# Nature Conservation (Protected Areas Management) Regulation 2017

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## **Reprint note**

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Queensland

# Nature Conservation (Protected Areas Management) Regulation 2017

## Contents

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		Page
<b>Chapter 1</b>	<b>Preliminary</b>	
<b>Part 1</b>	<b>General</b>	
1	Short title . . . . .	17
2	Commencement . . . . .	17
3	Overview . . . . .	17
<b>Part 2</b>	<b>Application</b>	
6	Application generally . . . . .	18
7	Application to national park (Aboriginal land) or national park (Torres Strait Islander land) . . . . .	18
8	Application to State forest or timber reserve in coordinated conservation area . . . . .	19
9	Application to special wildlife reserve and nature refuge . . . . .	19
9A	Application to coordinated conservation area . . . . .	19
10	Application to particular activities in resources reserve . . . . .	19
<b>Part 3</b>	<b>Interpretation</b>	
11	Dictionary . . . . .	20
12	What is a protected area authority . . . . .	20
12A	Meaning of character of an area . . . . .	21
12B	Meaning of relevant person . . . . .	22
12C	References to wildlife . . . . .	22
13	Measurement of position under regulation . . . . .	23
13A	Rounding of amounts expressed as numbers of fee units . . . . .	23
<b>Chapter 2</b>	<b>General provisions about particular protected areas</b>	
<b>Part 1</b>	<b>Trustees of conservation parks or resources reserves</b>	
14	Trustees of particular conservation parks to manage park—Act, s 31	24
15	Trustees of particular resources reserves to manage reserve—Act, s 31	25

Contents

---

16	Application of fees charged by trustees .....	25
<b>Part 2</b>	<b>Permitted uses in national parks</b>	
17	Permitted uses in national parks—Act, s 35 .....	26
18	Permitted uses in national parks under former Act—Act, s 37 ..	26
<b>Part 3</b>	<b>Apiary permits for national parks</b>	
18AA	Apiary areas—Act, s 36A .....	27
18AB	Requirement for apiary permits—Act, s 36A .....	27
<b>Chapter 3</b>	<b>Taking, using, keeping or interfering with cultural or natural resources</b>	
<b>Part 1A</b>	<b>Preliminary</b>	
18A	Purpose of chapter .....	28
18B	Grant of permits or authorities .....	28
<b>Part 1</b>	<b>Provisions applying to all or most permits or authorities</b>	
<b>Division 1</b>	<b>Considering applications for permits or authorities</b>	
19	Additional matters to be considered .....	29
19AA	Additional matters for particular Indigenous areas .....	29
<b>Division 2</b>	<b>Restrictions on grant</b>	
19AB	Restriction on grant for Aboriginal land protected areas .....	30
19AC	Restriction on grant for particular protected areas in Cape York Peninsula Region .....	31
<b>Part 2</b>	<b>Resources permits and apiary permits</b>	
<b>Division 1</b>	<b>Restrictions on grant</b>	
19A	Restrictions on grant for special wildlife reserve and nature refuge	32
20	Restriction on grant about insurance .....	32
<b>Division 2</b>	<b>Resources permits</b>	
<b>Subdivision 1</b>	<b>Additional restrictions on grant of resources permit for particular cultural or natural resources</b>	
21	Restriction about protected area for grant of permit for quarry material 33	
22	Restrictions about permit for plant parts .....	33
<b>Subdivision 2</b>	<b>Additional restrictions on grant of resources permit for educational purposes</b>	
23	General restriction on grant of permit .....	34
24	Restriction about persons to whom permit may be granted ....	34
25	Restriction about purposes for which permit may be granted ...	35
<b>Subdivision 3</b>	<b>Additional restrictions on grant of resources permit for scientific purposes</b>	
26	General restriction on grant of permit .....	35

27	Restriction about persons to whom permit may be granted . . . .	36
28	Restriction about purposes for which permit may be granted . . .	37
<b>Subdivision 4</b>	<b>Activities authorised by resources permits</b>	
29	Taking, using, keeping and interfering with particular resources authorised . . . . .	37
<b>Subdivision 5</b>	<b>Conducting activities under particular resources permit</b>	
30	Royalty payable for quarry material . . . . .	38
<b>Division 3</b>	<b>Apiary permits</b>	
<b>Subdivision 1</b>	<b>Additional restrictions on grant of apiary permit</b>	
31	Restriction about protected areas for grant of permit . . . . .	39
31A	Restrictions about apiary sites for grant of permit . . . . .	39
32	Restriction about number of beehives . . . . .	40
<b>Subdivision 2</b>	<b>Activities authorised by apiary permits</b>	
33	Taking, using, keeping and interfering with particular resources for apiary authorised . . . . .	40
<b>Part 3</b>	<b>Aboriginal tradition or Island custom authorities for taking, using, keeping or interfering with cultural or natural resources</b>	
<b>Division 1</b>	<b>General restrictions on grant for Aboriginal tradition or Island custom authorities</b>	
34	Restriction about resources for which authorities may be granted	41
35	Restriction about way for taking, using, keeping or interfering with resources . . . . .	41
<b>Division 2</b>	<b>Aboriginal tradition authorities</b>	
<b>Subdivision 1</b>	<b>Considering application</b>	
36	Additional matters to be considered . . . . .	42
<b>Subdivision 2</b>	<b>Additional restrictions on grant</b>	
37	Restriction about persons to whom authority may be granted . .	43
38	Restriction about circumstances under which authority may be granted for particular national parks . . . . .	43
<b>Subdivision 3</b>	<b>Activities authorised by Aboriginal tradition authority</b>	
39	Taking, using, keeping and interfering with particular resources authorised . . . . .	44
<b>Subdivision 4</b>	<b>Conducting activities under Aboriginal tradition authority</b>	
40	Notifying persons about authorisations and conditions . . . . .	44
41	Way cultural or natural resource may be taken . . . . .	45
<b>Division 3</b>	<b>Island custom authorities</b>	
<b>Subdivision 1</b>	<b>Considering application</b>	
42	Additional matters to be considered . . . . .	45

Contents

---

<b>Subdivision 2</b>	<b>Additional restrictions on grant</b>	
43	Restriction about persons to whom authority may be granted . .	46
44	Restriction about circumstances under which authority may be granted for particular national parks . . . . .	46
<b>Subdivision 3</b>	<b>Activities authorised by Island custom authority</b>	
45	Taking, using, keeping and interfering with particular resources authorised . . . . .	47
<b>Subdivision 4</b>	<b>Conducting activities under Island custom authority</b>	
46	Notifying persons about authorisations and conditions . . . . .	47
47	Way cultural or natural resource may be taken . . . . .	48
<b>Part 4</b>	<b>Other taking, using, keeping or interfering with cultural or natural resources</b>	
48	Controlling activity . . . . .	48
49	Fish, invertebrate animals or mud crabs in particular protected areas	49
<b>Chapter 4</b>	<b>Provisions about permits for access to, use of and conduct within protected areas</b>	
<b>Part 1A</b>	<b>Preliminary</b>	
50A	Purpose of chapter . . . . .	50
50B	Grant of permits . . . . .	51
<b>Part 1</b>	<b>Provisions applying to all or most permits</b>	
<b>Division 1</b>	<b>Considering applications for activity permits</b>	
51	Additional matters to be considered . . . . .	51
<b>Division 2</b>	<b>Restrictions on grant</b>	
52	Permit must be consistent with management principles and management intent or plan, or conservation agreement . . . . .	52
52A	Restrictions on grant for special wildlife reserve . . . . .	52
52B	Restrictions on grant for nature refuge . . . . .	52
53	Restriction on grant about insurance . . . . .	53
<b>Division 3</b>	<b>Activity authorised by most permits or not authorised by any permit</b>	
54	Access to restricted area authorised under particular permits . .	53
55	Access to area closed to the public not authorised . . . . .	54
<b>Part 2</b>	<b>Camping permits</b>	
56	Camping authorised under permit . . . . .	54
<b>Part 3</b>	<b>Restricted access area permits</b>	
57	Entering restricted access area authorised under permit . . . . .	55
<b>Part 4</b>	<b>Stock grazing permits</b>	
58	Restriction about protected areas for which permit may be granted	55

59	Grazing stock in particular areas authorised under permit . . . . .	56
<b>Part 5</b>	<b>Stock mustering permits</b>	
60	Mustering stock in particular areas authorised under permit . . . . .	56
61	Using particular animals or vehicles to muster stock authorised under particular permits . . . . .	56
<b>Part 6</b>	<b>Travelling stock permits</b>	
62	Restriction about protected areas for which permit may be granted . . . . .	57
63	Travelling stock in particular areas authorised under permit . . . . .	57
<b>Part 7</b>	<b>Permits to enter national park (scientific)</b>	
64	Entering particular national parks authorised under permit . . . . .	57
<b>Part 8</b>	<b>Commercial activity permits</b>	
<b>Division 1</b>	<b>Activities authorised under permits</b>	
65	Conducting particular activities in particular areas authorised under permit . . . . .	58
<b>Division 2</b>	<b>Requirements for records</b>	
66	Particular holders to keep records . . . . .	58
66A	Details and timing for records . . . . .	58
66B	How records must be kept . . . . .	59
66C	Where records or copies must be kept . . . . .	59
66D	How long records or copies must be kept . . . . .	59
<b>Division 3</b>	<b>Requirements for returns of operations</b>	
66E	Particular holders to give returns to chief executive . . . . .	60
66F	Giving returns . . . . .	60
67	Chief executive to give invoices for returns . . . . .	61
67A	Way and how long return of operations must be kept . . . . .	62
<b>Division 4</b>	<b>Other requirements for records and returns</b>	
67B	Information must be complete, accurate and legible . . . . .	62
67C	Notice of theft, loss or destruction of, or damage to, records or returns . . . . .	63
67D	Tampering with records or returns of operations . . . . .	63
<b>Part 9</b>	<b>Permits to solicit donations or information</b>	
68	Soliciting donations or information in particular areas authorised under permit . . . . .	64
<b>Part 10</b>	<b>Organised event permits</b>	
69	Conducting particular activities in particular areas authorised under permit . . . . .	64
<b>Part 11</b>	<b>Permits to use recreational craft</b>	

Contents

---

70	Using particular recreational craft in particular areas authorised under permit . . . . .	65
<b>Part 12</b>	<b>Special activity permits</b>	
71	Conducting particular activities in particular areas authorised under permit . . . . .	65
<b>Chapter 4A</b>	<b>Managing protected area authorities</b>	
<b>Part 1</b>	<b>Applications for authorities</b>	
<b>Division 1</b>	<b>Preliminary</b>	
71AA	Application of part . . . . .	66
<b>Division 2</b>	<b>Making applications</b>	
71AB	Requirements for application . . . . .	66
71AC	Commercial activity permit applications must include request for record book or approval of electronic record system . . . . .	67
<b>Division 3</b>	<b>Suitability</b>	
71AD	Purpose of division . . . . .	68
71AE	Definitions for division . . . . .	68
71AF	Restriction on grant for suitability . . . . .	69
71AG	Suitability based on convictions . . . . .	69
71AH	Suitability based on other matters . . . . .	70
71AI	Accumulation of demerit points . . . . .	71
<b>Division 4</b>	<b>Considering applications</b>	
71AJ	General matters for chief executive to consider . . . . .	72
71AK	Additional matters for refusal of particular applications . . . . .	74
71AL	Chief executive may require further information or document . . . . .	74
71AM	Amending application . . . . .	75
71AN	Chief executive may request public notice of application . . . . .	76
<b>Division 5</b>	<b>Deciding applications</b>	
71AO	Chief executive to decide application . . . . .	76
71AP	Steps to be taken after application decided . . . . .	77
<b>Part 2</b>	<b>Camping permits in particular areas</b>	
<b>Division 1</b>	<b>E-permit camping areas</b>	
71AQ	Establishing areas . . . . .	78
71AR	When camping permit for e-permit camping area granted . . . . .	79
71AS	Extent to which e-camping permit granted . . . . .	80
<b>Division 2</b>	<b>Self-registration camping areas</b>	
71AT	Establishing areas . . . . .	81
71AU	When camping permit for self-registration camping area granted . . . . .	82



71AV	Extent to which self-registered camping permit granted . . . . .	82
<b>Part 3</b>	<b>Form of authorities</b>	
71AW	Application of part . . . . .	83
71AX	Form . . . . .	83
71AY	Matters to be stated in authority . . . . .	84
71AZ	Chief executive must issue camping tags for camping permits . .	85
<b>Part 4</b>	<b>Term of authorities</b>	
71BA	Application of part . . . . .	85
71BB	Term . . . . .	85
71BC	Maximum terms for permits and authorities for taking etc. cultural or natural resources . . . . .	86
71BD	Maximum term for activity permits . . . . .	86
<b>Part 5</b>	<b>Amendment, suspension or cancellation of authorities</b>	
<b>Division 1</b>	<b>Preliminary</b>	
71BE	Application of part . . . . .	87
<b>Division 2</b>	<b>Minor amendments</b>	
71BF	Minor amendments by chief executive . . . . .	87
<b>Division 3</b>	<b>Amendments by application</b>	
71BG	Application for amendment . . . . .	88
71BH	Considering and deciding application . . . . .	88
71BI	Steps to be taken after application decided . . . . .	89
<b>Division 4</b>	<b>Non-immediate amendments by chief executive</b>	
71BJ	Grounds for amendment . . . . .	90
71BK	Procedure for amendment . . . . .	91
<b>Division 5</b>	<b>Immediate amendment or suspension by chief executive</b>	
71BL	Safety and conservation grounds . . . . .	93
71BM	Failure to pay fee or royalty or give return . . . . .	94
<b>Division 6</b>	<b>Non-immediate suspension or cancellation by chief executive</b>	
71BN	Grounds . . . . .	96
71BO	Procedure . . . . .	97
<b>Division 7</b>	<b>Return of authorities</b>	
71BP	After amendment . . . . .	99
71BQ	After suspension . . . . .	99
71BR	After cancellation . . . . .	100
<b>Part 6</b>	<b>Transfer of apiary and joint marine park authority permits</b>	
<b>Division 1</b>	<b>Transferable permits</b>	

Contents

---

71BS	Particular permits transferable .....	100
<b>Division 2</b>	<b>Apiary permits</b>	
71BT	Transfer of apiary permits .....	101
<b>Division 3</b>	<b>Joint marine park authority permits</b>	
71BU	Application to transfer .....	101
71BV	Considering application .....	102
71BW	Chief executive's power to require further information .....	102
71BX	Decision on application .....	103
71BY	Steps after approval of transfer .....	103
<b>Part 7</b>	<b>Renewal and continuation of commercial activity permits</b>	
<b>Division 1</b>	<b>Preliminary</b>	
71BZ	Definitions for part .....	104
<b>Division 2</b>	<b>Renewal requests</b>	
71CA	Holder may apply for renewal of commercial activity permit ....	105
71CB	Existing permit continues in effect until renewal request is decided	105
71CC	When chief executive may renew permit .....	106
71CD	When activities under a new permit are substantially the same as under an existing permit .....	107
71CE	Steps to be taken if chief executive renews permit .....	107
71CF	Step to be taken if chief executive refuses to renew permit ....	108
<b>Division 3</b>	<b>Continuation of other permits for new applications</b>	
71CG	Permits taken to have effect while new application considered .	108
<b>Part 8</b>	<b>Replacement and surrender of authorities</b>	
71CH	Application of part .....	109
71CI	Replacement .....	110
71CJ	Surrender .....	110
<b>Part 9</b>	<b>Requirements for authorities</b>	
71CK	Application of part .....	111
71CL	Compliance with conditions of authority .....	111
71CM	Authority must be available for inspection .....	111
71CN	Requirement to notify chief executive of particular changes and ask for amendment .....	112
<b>Chapter 4B</b>	<b>Commercial activity agreements</b>	
<b>Part 1</b>	<b>Preliminary</b>	
71CO	Chief executive may enter into agreement .....	113
71CP	Restrictions on entering into agreement—conservation of protected area	114

71CQ	Restrictions on entering into agreement—suitability of party . . .	114
71CR	Restrictions on entering into agreement—insurance . . . . .	115
71CS	Content of agreement . . . . .	115
71CT	Mandatory conditions of agreement . . . . .	116
<b>Part 2</b>	<b>Expression of interest process</b>	
71CU	Application of part . . . . .	117
71CV	Invitation for expressions of interest . . . . .	117
71CW	Requirements for expression of interest . . . . .	118
71CX	Requirements for process . . . . .	118
71CY	Chief executive may request further information . . . . .	119
71CZ	Amending expression of interest . . . . .	120
71DA	Notice to unsuccessful submitters . . . . .	120
<b>Part 3</b>	<b>Application process</b>	
71DB	Application of part . . . . .	120
71DC	Applying for agreement . . . . .	120
71DD	Matters to be considered for application . . . . .	120
71DE	Chief executive may request further information . . . . .	121
71DF	Amending the application . . . . .	121
71DG	Chief executive may request public notice of application for commercial activity agreement . . . . .	121
71DH	Negotiating application for agreement . . . . .	122
71DI	Steps to be taken after application decided . . . . .	123
<b>Part 4</b>	<b>Requirements applying to, and nature of, agreements</b>	
71DJ	Term and review of agreements . . . . .	123
71DK	Nature of agreement . . . . .	123
<b>Part 5</b>	<b>Amendment, suspension and cancellation of agreement</b>	
71DL	Immediate amendment or suspension of agreement for safety or conservation . . . . .	124
71DM	Non-immediate amendment of agreement—grounds . . . . .	125
71DN	Non-immediate amendment of agreement—procedure . . . . .	126
71DO	Non-immediate cancellation of agreement or suspension of authorisation under agreement—grounds . . . . .	127
71DP	Non-immediate cancellation of agreement or suspension of authorisation under agreement—procedure . . . . .	127
<b>Part 6</b>	<b>Transfer of authorisation under agreement</b>	
71DQ	Application to transfer authorisation . . . . .	129
71DR	Approval or non-approval of transfer . . . . .	129

Contents

---

71DS	Giving effect to transfer .....	129
<b>Part 7</b>	<b>Requirement to have agreement or copy available for inspection</b>	
71DT	Agreement or copy must be available for inspection .....	131
<b>Chapter 5</b>	<b>Regulatory notices and declarations</b>	
<b>Part 1</b>	<b>Preliminary</b>	
72	Definition for chapter .....	132
<b>Part 2</b>	<b>Regulatory notices</b>	
73	Requirements for regulatory notices .....	132
74	Particular regulatory notices for Aboriginal land protected areas	133
75	Particular regulatory notices for particular protected areas to which indigenous land use agreements apply .....	134
76	Regulatory information notice .....	135
77	Erection of regulatory notice or regulatory information notice is evidence of particular matters .....	135
<b>Part 3</b>	<b>Declaration of restricted access area</b>	
78	Declaration of restricted access area .....	135
79	Reasons for declaring restricted access area .....	136
80	Consultation with stakeholders about declarations .....	137
81	Declarations for Aboriginal land protected areas .....	138
82	Declarations for particular protected areas to which indigenous land use agreements apply .....	139
83	When declarations end .....	140
<b>Part 4</b>	<b>Declaration of prescribed commercial activity</b>	
84	Declaration of prescribed commercial activity .....	141
<b>Part 5</b>	<b>Declaration of special activity</b>	
85	Declaration of special activity .....	142
86	Activities that may be special activities .....	143
87	Consultation with stakeholders about declarations .....	143
<b>Part 6</b>	<b>Declaration of area closed to the public</b>	
88	Declaration of area closed to the public .....	144
<b>Chapter 6</b>	<b>Offences about access to, use of and conduct in protected areas</b>	
<b>Part 1</b>	<b>Access to, use of and conduct in protected area generally</b>	
<b>Division 1</b>	<b>Camping in protected area</b>	
89	Unlawful camping .....	145
90	Compliance with conditions of camping permit .....	146
91	Requirement about number of persons who may camp under permit or approval .....	146

92	Display of camping tags .....	147
93	Complying with direction to leave camping site for protection, safety or minimising disturbance .....	147
94	Complying with direction to leave camping site for person camping at same site for long periods .....	148
<b>Division 2</b>	<b>Conducting other activities in protected area</b>	
95	Unlawfully entering restricted access area .....	149
96	Failing to comply with particular regulatory notices .....	150
97	Unlawfully entering area closed to the public .....	150
98	Unlawfully grazing stock .....	151
99	Unlawfully grazing other animals .....	151
100	Unlawfully mustering stock .....	152
101	Unlawfully travelling stock .....	152
102	Unlawfully travelling other animals .....	153
103	Allowing stock to stray onto protected area .....	153
104	Unlawfully entering national park (scientific) .....	153
105	Unlawfully conducting commercial activity .....	154
106	Compliance with conservation conditions .....	154
107	Unlawfully soliciting donations or information .....	154
108	Unlawfully conducting organised event .....	155
109	Unlawfully conducting special activity .....	155
<b>Part 2</b>	<b>Fires</b>	
110	Unlawful lighting of fires .....	156
111	Unattended fires .....	157
112	Unauthorised things relating to fires .....	157
113	Conservation officer's powers in relation to fires .....	158
<b>Part 3</b>	<b>Unauthorised structures or works</b>	
114	Unauthorised structures and works .....	159
115	Complying with direction to remove unauthorised structures or works	159
<b>Part 4</b>	<b>Using recreational craft, aircraft, vehicles or boats</b>	
116	Unauthorised use of recreational craft generally .....	160
117	Unauthorised flying of aircraft or recreational craft .....	161
118	Unauthorised landing of aircraft or recreational craft .....	161
119	Traffic control for vehicles, boats and recreational craft .....	162
120	Licensing requirement for vehicles and boats .....	163
121	Registration requirement for vehicles .....	163

Contents

---

122	Approval requirement for conditionally registered vehicles . . . . .	164
123	Safe use of vehicles by reference to transport legislation . . . . .	166
124	Safe use of vehicles—other requirements . . . . .	167
125	Safe use of boats and recreational craft . . . . .	167
126	Complying with direction about use of vehicle, boat, aircraft or recreational craft . . . . .	167
127	Other requirements about using vehicle, boat or recreational craft	168
<b>Part 5</b>	<b>Animals and plants</b>	
128	Unauthorised feeding of animals . . . . .	169
129	Food to be kept from animals . . . . .	170
130	Unauthorised disturbance of animals . . . . .	171
131	Restriction on animals in protected area . . . . .	172
132	Bringing dogs into or keeping dogs in protected area . . . . .	173
133	Complying with direction to remove animal . . . . .	174
134	Unlawfully bringing plants into protected area . . . . .	175
<b>Part 6</b>	<b>Pollution and waste</b>	
135	Polluting dams, lakes or watercourses . . . . .	175
136	Misusing water . . . . .	176
137	Unlawful use of offensive and harmful substances . . . . .	177
138	Unlawful disposal of offensive and harmful substances . . . . .	177
139	Dumping or abandoning recreational craft, aircraft vehicles or boats	178
140	Dumping or abandoning waste materials . . . . .	178
141	Depositing litter brought into protected area . . . . .	179
142	Depositing other litter . . . . .	179
143	Complying with direction about litter . . . . .	179
<b>Part 7</b>	<b>Other conduct in protected area</b>	
144	Unlawfully possessing or using appliances . . . . .	180
145	Use of generator, compressor etc. in particular area of protected area	181
146	Disturbance by amplified sound . . . . .	182
147	General misconduct . . . . .	182
148	Conduct in parts of protected area where estuarine crocodiles are or may be present . . . . .	183
149	Tampering with camping tags . . . . .	184
150	Tampering with structures and other things in protected area . .	184
151	Complying with direction to leave for unlawful activities . . . . .	184

152	Complying with direction to leave for dangerous circumstances or emergency or rescue activity . . . . .	185
<b>Chapter 7</b>	<b>Miscellaneous</b>	
<b>Part 1</b>	<b>Other authorised activities in protected areas</b>	
153	Conducting general muster . . . . .	187
154	Permitted dog-walking . . . . .	187
<b>Part 2</b>	<b>Approvals</b>	
155	Approvals generally not transferable . . . . .	188
<b>Chapter 8A</b>	<b>Fees</b>	
<b>Part 1</b>	<b>Fees payable</b>	
159AL	Application of chapter . . . . .	189
159AM	Fees generally . . . . .	189
159AN	Proceedings for unpaid fees . . . . .	190
159AO	Reduced application fee for commercial activity permits, organised event permits or commercial activity agreements . . . . .	190
159AP	Reduced permit fee for commercial activity permits if equivalent fee paid under another Act . . . . .	191
159AQ	Reduced application fee for transfer of particular joint marine park authority permits if equivalent fee paid under another Act . . . . .	192
159AR	Reduced additional daily fee for commercial activity or organised event permits if equivalent fee paid under another Act . . . . .	193
159AS	When particular fees payable . . . . .	194
<b>Part 2</b>	<b>Fee exemptions</b>	
<b>Division 1</b>	<b>Exemption for particular persons</b>	
159AT	Exemption for camping permit granted to particular persons . . . . .	195
<b>Division 2</b>	<b>Applications for exemptions</b>	
159AU	Application for exemption of fee . . . . .	195
159AV	Deciding fee exemption application . . . . .	196
159AW	Grant of exemption under fee exemption application . . . . .	196
159AX	Refusal of exemption under fee exemption application . . . . .	197
159AY	Effect of grant of exemption . . . . .	197
<b>Part 3</b>	<b>Other provisions about fees</b>	
159AZ	Refund of fees . . . . .	197
<b>Chapter 9</b>	<b>Transitional provisions for Nature Conservation (Protected Areas Management) Regulation 2017</b>	
160	Definitions for chapter . . . . .	199
161	Controlling activity . . . . .	199
162	Regulatory notice . . . . .	199

Contents

---

163	Consultation requirements in relation to regulatory notice . . . . .	200
164	Regulatory information notice . . . . .	200
165	Declaration of restricted access area . . . . .	200
166	Consultation requirements in relation to declarations of existing access area . . . . .	201
167	Declaration of prescribed commercial activity . . . . .	201
168	Declaration of special activity . . . . .	201
169	Declaration of area closed to public . . . . .	202
170	Chief executive's written approval . . . . .	202
171	Directions . . . . .	202
172	References to expired regulation . . . . .	202
<b>Chapter 10</b>	<b>Transitional provisions for Nature Conservation (Protected Areas Management) and Other Legislation Amendment Regulation 2020</b>	
<b>Part 1</b>	<b>Preliminary</b>	
173	Application of chapter . . . . .	203
174	Definitions for chapter . . . . .	203
<b>Part 2</b>	<b>Existing authorities and agreements for protected areas</b>	
175	Existing authorities and agreements continued . . . . .	204
176	Existing amendments or suspensions continued . . . . .	205
177	Existing fee exemptions continued . . . . .	205
<b>Part 3</b>	<b>Existing applications and notifications</b>	
178	Undecided applications for grant of authorities . . . . .	206
179	Other undecided applications for existing authorities . . . . .	206
180	Undecided applications or entitlements for internal or external review	207
181	Incomplete processes for former commercial activity agreements	208
182	Existing invitations, requests, notices and notifications . . . . .	208
<b>Part 4</b>	<b>Other matters</b>	
183	Continuation of former s 168A . . . . .	209
184	Seized things . . . . .	210
185	Particular existing records . . . . .	210
186	References to repealed administration regulation . . . . .	210
<b>Chapter 11</b>	<b>Transitional provision for Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2021</b>	
187	Continuing application of former s 71AH to existing applications	211
<b>Chapter 12</b>	<b>Transitional provision for Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2022</b>	



188	Existing demerit points continue .....	212
<b>Schedule 1</b>	<b>Trustees of conservation parks .....</b>	<b>213</b>
<b>Schedule 2</b>	<b>Trustees of resources reserves .....</b>	<b>226</b>
<b>Schedule 3</b>	<b>Permitted uses in national parks .....</b>	<b>229</b>
<b>Schedule 4</b>	<b>Permitted uses in national parks under former Act .....</b>	<b>249</b>
<b>Schedule 5</b>	<b>Apiary areas and maximum apiary sites .....</b>	<b>251</b>
<b>Schedule 6</b>	<b>Prescribed national parks within which fish, invertebrate animals and mud crabs may be taken .....</b>	<b>257</b>
<b>Schedule 7</b>	<b>Minimum flying height over protected areas .....</b>	<b>263</b>
<b>Schedule 7A</b>	<b>Fees .....</b>	<b>266</b>
<b>Schedule 7B</b>	<b>Categories of plants for fees .....</b>	<b>275</b>
<b>Schedule 8</b>	<b>Dictionary .....</b>	<b>288</b>



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# Nature Conservation (Protected Areas Management) Regulation 2017

## Chapter 1 Preliminary

### Part 1 General

#### 1 Short title

This regulation may be cited as the *Nature Conservation (Protected Areas Management) Regulation 2017*.

#### 2 Commencement

This regulation commences on 1 September 2017.

#### 3 Overview

This regulation provides for the management of protected areas by—

- (a) requiring the trustees of particular conservation parks or resources reserves to manage the parks or reserves; and
- (b) permitting particular uses of protected areas under the Act; and
- (c) prescribing restrictions on the grant of particular protected area authorities; and
- (d) stating the activities authorised under each protected area authority; and
- (e) regulating activities carried out under particular protected area authorities; and
- (f) prohibiting particular conduct in protected areas; and

[s 6]

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- (g) authorising particular taking, use, keeping or interference with the cultural or natural resources of a protected area other than under a protected area authority; and
- (h) providing for the seizure of particular things in protected areas; and
- (i) providing for fees payable under the Act; and
- (j) providing for administrative and procedural requirements in relation to the matters mentioned in paragraphs (a) to (i); and
- (k) providing for the review of decisions made in relation to matters under this regulation.

*Note—*

For land dedicated or declared as a protected area under part 4 of the Act, see the *Nature Conservation (Protected Areas) Regulation 1994*.

## Part 2 Application

### 6 Application generally

Subject to sections 7 to 10, this regulation applies to all protected areas.

*Note—*

See also the *Nature Conservation (Animals) Regulation 2020* and the *Nature Conservation (Plants) Regulation 2020* in relation to animals and plants that are not in protected areas.

### 7 Application to national park (Aboriginal land) or national park (Torres Strait Islander land)

A provision of this regulation applies to a national park (Aboriginal land) or national park (Torres Strait Islander land), or a part of the national park, unless the provision declares that it does not apply to the national park or part.

## **8 Application to State forest or timber reserve in coordinated conservation area**

A provision of this regulation applies to a State forest or timber reserve under the *Forestry Act 1959* in a coordinated conservation area only if, and to the extent that, the provision declares that it applies to the forest or reserve.

## **9 Application to special wildlife reserve and nature refuge**

- (1) A provision of this regulation applies to a special wildlife reserve or nature refuge only if, and to the extent, the provision declares it applies.
- (2) Subsection (3) applies to a provision of this regulation (a *supporting provision*) that applies for interpreting, or giving purpose to, a provision that declares it applies in relation to a special wildlife reserve or nature refuge (the *primary provision*).
- (3) The supporting provision applies in relation to the special wildlife reserve or nature refuge to the extent required to give effect to the primary provision.

## **9A Application to coordinated conservation area**

- (1) A provision of this regulation applies to private land in a coordinated conservation area only if, and to the extent that, the provision declares it applies to the land.
- (2) In this section—  
*private land* means land other than State land.

## **10 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) 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*.

## Part 3 Interpretation

### 11 Dictionary

The dictionary in schedule 8 defines particular words used in this regulation.

### 12 What is a ***protected area authority***

- (1) A ***protected area authority*** is each of the following permits or authorities for a protected area—
  - (a) a resources permit;
  - (b) an apiary permit;
  - (c) an Aboriginal tradition authority;
  - (d) an Island custom authority;
  - (e) an activity permit.
- (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.

## **12A 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.
- (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 a person, or a group of persons, using the area is likely to have social interaction with other persons, or groups of persons, using the area, having regard to whether the extent of social interaction

[s 12B]

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would be reasonably expected for the purpose for which the area is normally used;

- (c) the extent of regulation of activities within the area, including, in particular, through signs, regulatory notices and enforcement activities.

## **12B Meaning of *relevant person***

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

- (a) for an Aboriginal tradition authority or Island custom authority—a person stated on the authority as a person who may take, keep, use or interfere with cultural or natural resources of the area, under the authority; or
- (b) for another protected area authority—
  - (i) if the holder is an individual—an employee or agent of the individual acting under the direction of the individual; or
  - (ii) if the holder is a corporation—an executive officer, employee or agent of the corporation acting for the corporation.

## **12C References to wildlife**

- (1) In this regulation, a reference to a category or class of wildlife is a reference to—
  - (a) if the wildlife is an animal—the category or class of animal under the *Nature Conservation (Animals) Regulation 2020*; or
  - (b) if the wildlife is a plant—the 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.

### **13 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.

### **13A 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).

## **Chapter 2            General provisions about particular protected areas**

### **Part 1                Trustees of conservation parks or resources reserves**

#### **14        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 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).
- (4) A reference in schedule 1 to an area of the State followed by the words 'City Council', 'Regional Council' or 'Shire Council' is a reference to a local government.

## 15 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) 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.

## 16 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 14; and

[s 17]

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- (b) a resources reserve placed under the management of the trustee of the reserve under section 15.
- (2) If the trustee of the park or reserve charges a fee for a service the trustee provides in 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**

### **17        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 part 1, column 1 of that schedule 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 part 2, column 1 of that schedule if the use is only for an ecotourism facility.
- (2) A drawing, map or plan mentioned in schedule 3 is—
  - (a) held by the department; and
  - (b) available for inspection, free of charge, by members of the public at the head office of the department during normal business hours.
- (3) A reference in schedule 3 to an area of the State followed by the words ‘City Council’ or ‘Regional Council’ is a reference to a local government.

### **18        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 in schedule 4, column 1 opposite the use.

- (2) A map or plan mentioned in schedule 4 is a map or plan—
  - (a) held by the department; and
  - (b) available for inspection, free of charge, by members of the public at the head office of the department during normal business hours.

## **Part 3                      Apiary permits for national parks**

### **18AA    Apiary areas—Act, s 36A**

- (1) For section 36A(2)(a) of the Act, an area stated in schedule 5, column 2, within the national park stated opposite in column 1 of that schedule, is prescribed as an apiary area for the national park.
- (2) A reference in schedule 5 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.
- (3) The chief executive must ensure a map or plan that shows the part of the national park that was formerly dedicated as a forest reserve is available for inspection by a member of the public, free of charge, at the department's head office.

### **18AB    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 5, column 3 opposite the apiary area.

## **Chapter 3      Taking, using, keeping or interfering with cultural or natural resources**

### **Part 1A              Preliminary**

#### **18A      Purpose of chapter**

This chapter—

- (a) authorises persons to take, use, keep or interfere with 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, apiary permits, Aboriginal tradition authorities or Island custom authorities; and
- (c) provides for restrictions on the grant of those permits or authorities by the chief executive.

*Notes—*

- 1 See chapter 4A, part 1 for 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.

#### **18B      Grant of permits or authorities**

- (1) The chief executive may grant a resources permit, an apiary permit, an Aboriginal tradition authority, or an Island custom authority, for a protected area after considering the matters provided for under this chapter and chapter 4A, part 1.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge to the extent a permit or

authority mentioned in subsection (1) may be granted for the reserve or refuge.

## **Part 1                      Provisions applying to all or most permits or authorities**

### **Division 1                Considering applications for permits or authorities**

#### **19        Additional matters to be considered**

- (1) In considering an application for a resources permit, an apiary permit, an Aboriginal tradition authority or an Island custom authority for a protected area the chief executive must have regard to each of the following—
  - (a) the impact the activities that may be conducted under the permit or authority may have on the character and amenity of the protected area to which the permit or authority applies and adjacent areas;
  - (b) the likely cumulative effect of the proposed use and other uses on the protected area to which the permit or authority applies.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

#### **19AA    Additional matters 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) 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) For section 9, this section applies in relation to a special wildlife reserve or nature refuge in the Cape York Peninsula Region.

## Division 2                      Restrictions on grant

### 19AB    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 the consultation requirements 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.



## **19AC 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 the consultation requirements, if any, under the indigenous land use agreement.
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.
- (4) 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 2                      Resources permits and apiary permits**

### **Division 1                Restrictions on grant**

#### **19A    Restrictions on grant for special wildlife reserve and nature refuge**

- (1) The chief executive may grant a resources permit for a special wildlife reserve only if the permit is granted for—
  - (a) an educational purpose for a cultural or natural resource of the reserve; or
  - (b) a scientific purpose for a cultural or natural resource of the reserve.
- (2) The chief executive may grant a resources permit for a nature refuge.
- (3) The chief executive may grant a resources permit mentioned in this section only with the consent of the landholder of the land in the special wildlife reserve or nature refuge.

#### **20        Restriction on grant about insurance**

- (1) The chief executive may grant a resources permit or 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.
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

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## **Division 2                      Resources permits**

### **Subdivision 1              Additional restrictions on grant of resources permit for particular cultural or natural resources**

#### **21              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.

#### **22              Restrictions about permit for plant parts**

- (1) The chief executive may grant a resources permit authorising the taking of only the following parts of a plant (each a *permitted plant part*)—
  - (a) a seed or other propagative material;
  - (b) foliage, a flower or an inflorescence.
- (2) The chief executive may grant a resources permit authorising the taking of a permitted plant part of only a least concern plant.
- (3) The chief executive may grant a resources permit authorising the taking of a permitted plant part of a least concern plant for only—
  - (a) a special management area (controlled action); or
  - (b) a conservation park; or
  - (c) a resources reserve.
- (4) However, the chief executive may grant a resources permit mentioned in subsection (3) 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.

## **Subdivision 2      Additional restrictions on grant of resources permit for educational purposes**

### **23      General restriction on grant of permit**

- (1) 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.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

### **24      Restriction about persons to whom permit may be granted**

- (1) The chief executive may grant a resources permit for educational purposes to an individual only if the chief executive is satisfied—
  - (a) the individual—
    - (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.
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **25      Restriction about purposes for which permit may be granted**

- (1) The chief executive may grant a resources permit for educational purposes 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 the part of a protected area, for which the permit is to be granted.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **Subdivision 3      Additional restrictions on grant of resources permit for scientific purposes**

### **26      General restriction on grant of permit**

- (1) 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,

[s 27]

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use or keeping of, or interference with, the resource has appropriate regard to the wishes of the interested group.

- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **27      Restriction about persons to whom permit may be granted**

- (1) The chief executive may grant a resources permit for scientific purposes to an individual only if the chief executive—
- (a) is satisfied—
    - (i) the individual is associated with an 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 to a corporation only if the chief executive is satisfied—
- (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.
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **28      Restriction about purposes for which permit may be granted**

- (1) The chief executive may grant a resources permit for scientific purposes 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 the part of a protected area, for which the permit is to be granted.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **Subdivision 4      Activities authorised by resources permits**

### **29      Taking, using, keeping and interfering with particular resources authorised**

- (1) 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 on the permit of the protected area, or the part of a protected area, stated on the permit.
- (2) Also, a resources permit specifically stating entry into a stated restricted access area is authorised authorises the holder of the permit, or a relevant person for the holder, to enter and remain in the restricted access area.

[s 30]

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- (3) 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.
- (4) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **Subdivision 5      Conducting activities under particular resources permit**

### **30      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;
  - (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, other than a royalty payable by an entity representing the State, is a debt due to the State.
- (5) In this section—  
*government entity* see the *Public Service Act 2008*, section 24.

## **Division 3                      Apiary permits**

### **Subdivision 1              Additional restrictions on grant of apiary permit**

#### **31              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 3 in relation to apiary permits for national parks.

#### **31A              Restrictions about apiary sites for grant of permit**

- (1) The chief executive may grant an apiary permit for a protected area mentioned in section 31 only if—
  - (a) the permit relates to a site in the protected area 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 600m<sup>2</sup>.

- (2) A site mentioned in subsection (1) is an *apiary site*.

### **32      Restriction about number of beehives**

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

## **Subdivision 2      Activities authorised by apiary permits**

### **33      Taking, using, keeping and interfering with particular resources for apiary authorised**

- (1) An apiary 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 of the protected area, or the part of a protected area, stated on the permit.
- (2) However, an apiary permit authorises the holder of the permit, or a relevant person for the holder, to take, use, keep or interfere with cultural or natural resources only for operating an apiary.
- (3) An apiary permit specifically stating entry into a stated restricted access area is authorised, authorises the holder of the permit, or a relevant person for the holder, to enter and remain in the restricted access area.
- (4) 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 3                      Aboriginal tradition or Island custom authorities for taking, using, keeping or interfering with cultural or natural resources**

### **Division 1                General restrictions on grant for Aboriginal tradition or Island custom authorities**

#### **34            Restriction about resources for which authorities may be granted**

- (1) The chief executive can not grant an Aboriginal tradition authority or Island custom authority for—
  - (a) a natural resource of a national park (scientific); or
  - (b) threatened or near threatened wildlife, other than a part of a vulnerable or near threatened plant.
- (2) Subsection (3) applies to—
  - (a) a part of a vulnerable or near threatened plant; and
  - (b) least concern wildlife.
- (3) The chief executive can not grant an Aboriginal tradition authority or Island custom authority for the plant part or the wildlife if the taking, use or keeping of, or interference with, the plant part or wildlife will reduce the ability of the plant or the wildlife to maintain or recover the plant's or wildlife's natural population levels in the protected area, or the part of a protected area, to which the authority applies.

#### **35            Restriction about way for taking, using, keeping or interfering with resources**

- (1) The chief executive can not grant an Aboriginal tradition authority or Island custom authority that authorises—

[s 36]

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- (a) the taking of, or interference with, the cultural or natural resources of a protected area by using a weapon; or
  - (b) the taking, use, keeping of, or interference with, the cultural or natural resources of a protected area in a way that may cause harm to a person visiting the area.
- (2) In this section—  
*weapon* see the *Weapons Act 1990*, schedule 2.

## **Division 2                    Aboriginal tradition authorities**

### **Subdivision 1            Considering application**

#### **36            Additional matters to be considered**

In considering an application for an Aboriginal tradition authority for a cultural or natural resource of a protected area, or a part of a protected area, the chief executive must have regard to—

- (a) any advice given by the corporation applying for the authority on the significance, under Aboriginal tradition, of the activity the subject of the application; and
- (b) whether there is a reasonable alternative to taking, using, keeping or interfering with the resource; and
- (c) the extent to which the activity will interfere with the public use of the area, or part, to which the authority applies.

## **Subdivision 2      Additional restrictions on grant**

### **37      Restriction about persons to whom authority may be granted**

- (1) The chief executive may grant an Aboriginal tradition authority for a protected area, or a part of a protected area, only to a corporation that—
  - (a) represents a community or group of Aboriginal people particularly concerned with land within the area or part; and
  - (b) has consulted with, and considered the views of, Aboriginal people particularly concerned with land within the area or part; and
  - (c) is satisfied the way the activity to be conducted under the authority will be conducted is consistent with Aboriginal tradition.
- (2) Also, the chief executive may grant an Aboriginal tradition authority to the corporation only if the corporation has an office in the State.

### **38      Restriction about circumstances under which authority may be granted for particular national parks**

- (1) The chief executive may grant an Aboriginal tradition authority for a natural resource of a relevant national park only if the chief executive is satisfied—
  - (a) the purpose for which the resource is to be taken, used, kept, or interfered with is of particular significance under Aboriginal tradition, according to the views of the people who the members of the interested group for the authority regard as having authority to state the traditional significance of the resource; or
  - (b) the interested group will be on the park to prepare a claim or management plan for the park under the *Aboriginal Land Act 1991*.

[s 39]

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- (2) This section does not apply to a seed or another part of a vulnerable, near threatened or least concern plant.
- (3) In this section—  
*interested group*, for an Aboriginal tradition authority, means the community or group represented by the corporation applying for the authority.

### **Subdivision 3      Activities authorised by Aboriginal tradition authority**

#### **39      Taking, using, keeping and interfering with particular resources authorised**

- (1) An Aboriginal tradition authority authorises each relevant person for the holder of the authority to take, use, keep and interfere with, under Aboriginal tradition, the cultural or natural resources stated on the permit of the protected area, or the part of a protected area, stated on the permit.
- (2) Also, an Aboriginal tradition authority specifically stating entry into a stated restricted access area is authorised authorises each relevant person for the holder of the authority to enter and remain in the restricted access area.
- (3) However, an Aboriginal tradition authority does not authorise a relevant person for the holder of the authority to enter or remain in an area closed to the public.

### **Subdivision 4      Conducting activities under Aboriginal tradition authority**

#### **40      Notifying persons about authorisations and conditions**

The holder of an Aboriginal tradition authority must take all reasonable steps to ensure each relevant person for the holder acting under the authority is aware of—

- (a) the activities that are authorised, and the activities that are not authorised, to be conducted under the authority; and
- (b) the conditions applying to the authority.

Maximum penalty—165 penalty units.

#### **41 Way cultural or natural resource may be taken**

A person acting under an Aboriginal tradition authority must not take, use, keep or interfere with a cultural or natural resource of a protected area other than in a way that is consistent with Aboriginal tradition.

Maximum penalty—165 penalty units.

### **Division 3 Island custom authorities**

#### **Subdivision 1 Considering application**

##### **42 Additional matters to be considered**

In considering an application for an Island custom authority for a cultural or natural resource of a protected area, the chief executive must have regard to—

- (a) any advice given by the corporation applying for the authority on the significance, under Island custom, of the activity the subject of the application; and
- (b) whether there is a reasonable alternative to taking, using, keeping or interfering with the resource; and
- (c) the extent to which the activity will interfere with the public use of the protected area, or the part of a protected area, to which the authority applies.

## **Subdivision 2      Additional restrictions on grant**

### **43      Restriction about persons to whom authority may be granted**

- (1) The chief executive may grant an Island custom authority for a protected area, or a part of a protected area, only to a corporation that—
  - (a) represents a community or group of Torres Strait Islanders particularly concerned with land within the area or part; and
  - (b) has consulted with, and considered the views of, Torres Strait Islander people particularly concerned with land within the area or part; and
  - (c) is satisfied the way the activity to be conducted under the authority will be conducted is consistent with Island custom.
- (2) Also, the chief executive may grant an Island custom authority to the corporation only if the corporation has an office in the State.

### **44      Restriction about circumstances under which authority may be granted for particular national parks**

- (1) The chief executive may grant an Island custom authority for a natural resource of a relevant national park only if the chief executive is satisfied the purpose for which the resource is to be taken, used, kept or interfered with is of particular significance under Island custom, according to the views of the people who the members of the interested group for the authority regard as having authority to state the customary significance of the resource.
- (2) This section does not apply to a seed or another part of a vulnerable, near threatened or least concern plant.
- (3) In this section—



*interested group*, for an Island custom authority, means the community or group represented by the corporation applying for the authority.

### **Subdivision 3      Activities authorised by Island custom authority**

#### **45      Taking, using, keeping and interfering with particular resources authorised**

- (1) An Island custom authority authorises each relevant person for the holder of the authority to take, use, keep and interfere with, under Island custom, the cultural or natural resources stated on the permit in the protected area, or the part of a protected area, stated on the permit.
- (2) Also, an Island custom authority specifically stating entry into a stated restricted access area is authorised authorises each relevant person for the holder of the authority to enter and remain in a restricted access area.
- (3) However, an Island custom authority does not authorise a relevant person for the holder of the authority to enter or remain in an area closed to the public.

### **Subdivision 4      Conducting activities under Island custom authority**

#### **46      Notifying persons about authorisations and conditions**

The holder of an Island custom authority must take all reasonable steps to ensure each relevant person for the holder acting under the authority is aware of—

- (a) the activities that are authorised, and the activities that are not authorised, to be conducted under the authority; and
- (b) the conditions applying to the authority.

Maximum penalty—165 penalty units.

**47      Way cultural or natural resource may be taken**

A person acting under an Island custom authority must not take, use, keep or interfere with a cultural or natural resource of a protected area other than in a way that is consistent with Island custom.

Maximum penalty—165 penalty units.

**Part 4                      Other taking, using, keeping or  
interfering with cultural or  
natural resources**

**48      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) The permission must state—
  - (a) how, where and when the controlling activity may be conducted; and
  - (b) the conditions of the permission.
- (3) 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.

- (4) 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 on the permission, for conducting the controlling activity stated on the permission.
- (5) The chief executive may give a permission under this section for a special wildlife reserve or nature refuge only with the consent of the landholder of the land in the reserve or refuge.

#### **49 Fish, invertebrate animals or mud crabs in particular protected areas**

- (1) A person may take a permitted animal in a prescribed area.
- (2) However, the taking is subject to the condition that the following animals must not be taken—
  - (a) an invertebrate animal other than for use as bait;
  - (b) a species of permitted animal that is a regulated fish under the *Fisheries Act 1994*;
  - (c) a species of permitted animal if the species is taken from a place where, or during a period when, the taking is prohibited under the *Fisheries Act 1994*;
  - (d) any species of the genus *Euastacus* (freshwater spiny crays) for use as bait.
- (3) Also, the taking is subject to the condition that a permitted animal must not be taken in a way that is prohibited under the *Fisheries Act 1994*.
- (4) A person must not take a permitted animal in a prescribed area, or a part of a prescribed area, if a regulatory notice prohibits the taking.

Maximum penalty—165 penalty units.

- (5) In this section—  
***permitted animal*** means—

- (a) a fish; or
- (b) an invertebrate animal; or

- (c) a mud crab (*Scylla serrata*).

***prescribed area*** means—

- (a) for a prescribed national park—the parts stated in schedule 6, column 2 opposite the park; or
- (b) a conservation park; or
- (c) a resources reserve.

## **Chapter 4      Provisions about permits for access to, use of and conduct within protected areas**

### **Part 1A          Preliminary**

#### **50A      Purpose of chapter**

This chapter—

- (a) authorises persons to carry out particular activities for access to, use of and conduct within 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 commercial activity permits.

*Note—*

See chapter 4A, part 1 for other restrictions and matters the chief executive must consider when deciding applications for all protected area authorities.

## **50B Grant of permits**

- (1) The chief executive may grant an activity permit for a protected area after considering the matters provided for under this chapter and chapter 4A, part 1.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge to the extent an activity permit may be granted for the reserve or refuge.

# **Part 1 Provisions applying to all or most permits**

## **Division 1 Considering applications for activity permits**

### **51 Additional matters to be considered**

- (1) In considering an application for an activity permit for a protected area, the chief executive must have regard to each of the following—
  - (a) the impact the activities that may be conducted under the permit may have on the character and amenity of the area and adjacent areas;
  - (b) the likely cumulative effect of the proposed use and other uses on the area;
  - (c) the orderly and proper management of the area.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **Division 2                      Restrictions on grant**

### **52        Permit must be consistent with management principles and management intent or plan, or conservation agreement**

- (1) The chief executive can 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.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

### **52A      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.

### **52B      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 an activity permit mentioned in this section only with the consent of the landholder of the land in the nature refuge.

### **53      Restriction on grant about insurance**

- (1) This section applies 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, including whether insurance is commonly available for the activities.

## **Division 3                      Activity authorised by most permits or not authorised by any permit**

### **54      Access to restricted area authorised under particular permits**

- (1) A prescribed activity permit specifically stating entry into a stated restricted access area is authorised authorises the holder of the permit, or a relevant person for the holder, to enter and remain in the restricted access area.
- (2) For section 9, this section applies in relation to a special wildlife reserve, to the extent the reserve is a restricted access area.
- (3) 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.

**55 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**

**56 Camping authorised under permit**

- (1) A camping permit authorises the holder of the permit to—
  - (a) camp in the protected area or the part of a protected area stated on the permit; and
  - (b) allow the number of persons stated on the permit to camp in the area or part.
- (2) For applying subsection (1) to an e-camping permit—
  - (a) a reference to the protected area or the part of a protected area stated on the permit is taken to be a reference to the e-permit camping area for which the permit is taken to be granted; and
  - (b) a reference to the number of persons stated on the permit is taken to be a reference to the number stated by the holder of the permit in the application for the permit.
- (3) For applying subsection (1) to a self-registered camping permit—
  - (a) a reference to the protected area or the part of a protected area stated on the permit is taken to be a reference to the self-registration camping area for which the permit is taken to be granted; and
  - (b) a reference to the number of persons stated on the permit is taken to be a reference to the lower of the following—



- (i) the number stated on the camping form for the permit;
- (ii) the number stated on the self-registration camping notice for the area as the maximum number of persons that may camp under a camping permit in the area.

## **Part 3                      Restricted access area permits**

### **57            Entering restricted access area authorised under permit**

- (1) A restricted access area permit authorises the holder of the permit, or a relevant person for the holder, to enter and remain in the restricted access area stated on the permit for the purpose stated on the permit.
- (2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge, to the extent the reserve or refuge is a restricted access area.

## **Part 4                      Stock grazing permits**

### **58            Restriction about protected areas for which permit may be granted**

- (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.

**59      Grazing stock in particular areas authorised under permit**

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

## **Part 5                      Stock mustering permits**

**60      Mustering stock in particular areas authorised under permit**

- (1) A stock mustering permit authorises the holder of the permit, or a relevant person for the holder, to muster stock in the protected area, or the part of a protected area, stated on the permit.
- (2) For section 9, this section applies in relation to a special wildlife reserve.

**61      Using particular animals or vehicles to muster stock authorised under particular permits**

- (1) This section applies if the chief executive has—
  - (a) written on 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.
- (3) For section 9, this section applies in relation to a special wildlife reserve.

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## **Part 6 Travelling stock permits**

### **62 Restriction about protected areas for which permit may be granted**

The chief executive can not grant a travelling stock permit for a national park (scientific).

### **63 Travelling stock in particular areas authorised under permit**

- (1) A travelling stock permit authorises the holder of the permit, or a relevant person for the holder, to travel stock in the protected area, or the part of a protected area, stated on the permit.
- (2) For section 9, this section applies in relation to a special wildlife reserve.

## **Part 7 Permits to enter national park (scientific)**

### **64 Entering particular national parks authorised under permit**

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

## **Part 8                      Commercial activity permits**

### **Division 1                      Activities authorised under permits**

#### **65              Conducting particular activities in particular areas authorised under permit**

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

### **Division 2                      Requirements for records**

#### **66              Particular holders to keep records**

- (1) The holder of a commercial activity permit, other than for filming or photography, is required to keep a record for the permit under this division.
- (2) The holder complies with a provision of this division if a relevant person for the holder complies with the provision.

#### **66A              Details and timing for records**

- (1) The holder must keep a record for the commercial activity permit that includes details about the activities carried out under the permit, including the number of persons taking part in the activities.

Maximum penalty—50 penalty units.

- (2) The holder must include the details mentioned in subsection (1) in the record on the day the activities are carried out under the permit.

Maximum penalty—120 penalty units.

## **66B How records must be kept**

- (1) The holder must keep the record in the way stated under this section.

Maximum penalty—120 penalty units.

- (2) The record must be kept in—
  - (a) a record book; or
  - (b) an electronic record system approved by the chief executive.
- (3) If the record is kept in an approved electronic record system and the system is not working on the day particular information must be included in the record—
  - (a) the information must be recorded in a document in the approved form; and
  - (b) the document is taken to be a part of the system when the information is recorded in the document.
- (4) A record book is the property of the State.

## **66C Where records or copies must be kept**

The holder must ensure the record, or a copy of the record, is kept in a secure way—

- (a) if the chief executive has given the holder a notice stating the place where the record or copy is to be kept—at the stated place; or
- (b) otherwise—at the holder's place of business.

Maximum penalty—120 penalty units.

## **66D How long records or copies must be kept**

- (1) The holder must—
  - (a) ensure the record, or a copy of the record, is kept for at least 2 years after the holder, or a relevant person for the

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holder, stops carrying out activities under the commercial activity permit; and

- (b) if asked by a conservation officer, produce the record or copy for inspection by the officer, unless the person has a reasonable excuse.

Maximum penalty—120 penalty units.

- (2) Subsection (3) applies if the chief executive asks the holder to surrender a record book for the commercial activity permit.
- (3) The holder must, unless the holder has a reasonable excuse, surrender the record book to the chief executive.

Maximum penalty—120 penalty units.

## **Division 3                      Requirements for returns of operations**

### **66E      Particular holders to give returns to chief executive**

- (1) The holder of a commercial activity permit, other than for filming or photography, is required to give the chief executive returns of operations for the permit under this division.
- (2) The holder complies with a provision of this division if a relevant person for the holder complies with the provision.

### **66F      Giving returns**

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

- (2) The return of operations must be given in the approved form.

Maximum penalty—120 penalty units.

- (3) Subsections (1) and (2) apply even if no relevant activity for the return of operations happened during the prescribed period.
- (4) A return of operations given to the chief executive under this section is the property of the State.
- (5) In this section—
  - prescribed period***, for a commercial activity permit, means—
    - (a) if the chief executive has given the holder of the permit a notice stating each prescribed period for the permit—each stated period; or
    - (b) otherwise—
      - (i) each period of 3 months starting on the day after the permit is granted; and
      - (ii) if the permit ends within a 3-month period mentioned in subparagraph (i)—the period starting on the day the 3-month period started and ending on the day the permit ends.

***relevant activity***, for a return of operations, means an activity the details of which must be included in the approved form for the return.

## **67 Chief executive to give invoices for returns**

- (1) This section applies in relation to each return of operations given to the chief executive under section 66F by the holder of the commercial activity permit.
- (2) The chief executive must give the holder an invoice for any additional daily fee and camping fee payable under the Act for the period to which the return relates.
- (3) The invoice must state a period (the ***period for payment***), of at least 7 days after the holder receives the invoice, within which the fees must be paid to the chief executive.

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- (4) The holder must, within the period for payment, pay to the chief executive the fees payable under the Act for the period to which the return relates.

Maximum penalty—120 penalty units.

#### **67A Way and how long return of operations must be kept**

- (1) The holder of the commercial activity permit must keep a copy of each return of operations for the permit in a secure way at the holder's place of business.

Maximum penalty—120 penalty units.

- (2) The holder must—

- (a) keep the copy of the return of operations for at least 2 years after the holder, or a relevant person for the holder, stops carrying out activities under the commercial activity permit; and
- (b) if asked by a conservation officer, produce the copy for inspection by the officer, unless the person has a reasonable excuse.

Maximum penalty—120 penalty units.

### **Division 4 Other requirements for records and returns**

#### **67B Information must be complete, accurate and legible**

- (1) A person required to keep a record or return of operations under this part must ensure the information included in the record or return is—
- (a) complete and accurate; and
- (b) legible; and
- (c) written in ink.

Maximum penalty—100 penalty units.



- (2) Subsection (1)(c) does not apply in relation to a record kept in an electronic form.

#### **67C Notice of theft, loss or destruction of, or damage to, records or returns**

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

Maximum penalty—120 penalty units.

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

Maximum penalty—40 penalty units.

#### **67D Tampering with records or returns of operations**

- (1) This section applies in relation to a record or return of operations kept under this part.
- (2) A person must not, unless the person has a reasonable excuse—
- (a) deface, erase or obliterate an entry in the record or return; or
  - (b) remove an entry from the record or return; or
  - (c) modify an entry in the record or return; or

- (d) act in a way mentioned in any of paragraphs (a) to (c) in relation to a copy of the record or return.

Maximum penalty—120 penalty units.

- (3) However, subsection (2)(b) and (d) does not apply in relation to the removal of an entry from a record book if—
  - (a) the entry is a page that is a copy of a return of operations; and
  - (b) the person gives the page to the chief executive or a conservation officer.

## **Part 9                      Permits to solicit donations or information**

### **68            Soliciting donations or information in particular areas authorised under permit**

A permit to solicit donations or information authorises the holder of the permit, or a relevant person for the holder—

- (a) if the permit states the holder or person may solicit donations under the permit—to solicit donations in the protected area, or the part of a protected area, stated on the permit for the purpose stated on the permit; or
- (b) if the permit states the holder or person may solicit information under the permit—to solicit information in the protected area, or the part of a protected area, stated on the permit for the purpose stated on the permit.

## **Part 10                    Organised event permits**

### **69            Conducting particular activities in particular areas authorised under permit**

An organised event permit authorises the holder of the permit, or a relevant person for the holder, to conduct the activity

stated on the permit in the protected area, or the part of a protected area, stated on the permit.

## **Part 11                      Permits to use recreational craft**

### **70            Using particular recreational craft in particular areas authorised under permit**

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

## **Part 12                      Special activity permits**

### **71            Conducting particular activities in particular areas authorised under permit**

A special activity permit authorises the holder of the permit, or a relevant person for the holder, to conduct the activity stated on the permit in the protected area, or the part of a protected area, stated on the permit.

## Chapter 4A      Managing protected area authorities

### Part 1              Applications for authorities

#### Division 1          Preliminary

##### 71AA Application of part

For section 9, this part, other than section 71AC, applies in relation to a special wildlife reserve or nature refuge.

#### Division 2          Making applications

##### 71AB Requirements for application

- (1) A person may apply to the chief executive for the grant of a protected area authority.
- (2) The application must—
  - (a) be in the approved form; and
  - (b) be supported by enough information to enable the application to be decided; and
  - (c) be accompanied by the relevant fee; and
  - (d) comply with any other requirements for the application under this regulation.
- (3) Subsection (2)(a) does not apply to an application for a camping permit.
- (4) In this section—

***relevant fee*** means—

  - (a) for an application for a commercial activity permit—the sum of—

- (i) the application fee payable under chapter 8A for the permit; and
  - (ii) the permit fee payable under chapter 8A for the permit; or
- (b) for an application for an organised event permit—
  - (i) the application fee payable under chapter 8A for the permit; or
  - (ii) if persons will be camping under the permit—the sum of the application fee, and the camping fee for camping, payable under chapter 8A for the permit; or
- (c) for an application for a stock grazing permit—the permit fee payable under chapter 8A for the first year of the permit; or
- (d) for an application for another authority—the fee payable under chapter 8A for the authority.

**71AC Commercial activity permit applications must include request for record book or approval of electronic record system**

- (1) This section applies if a person applying for a commercial activity permit does not have—
  - (a) a record book for keeping records for the permit; or
  - (b) an electronic record system approved by the chief executive for keeping records for the permit.
- (2) When the application is made, the person must ask the chief executive to—
  - (a) supply a record book to the person for keeping the records; or
  - (b) approve an electronic record system for keeping the records.
- (3) The request must be accompanied by the fee stated in schedule 7A for the record book or the approval.

## **Division 3                      Suitability**

### **71AD Purpose of division**

This division—

- (a) prevents a protected area authority being granted to a person who is not a suitable person; and
- (b) states when a person is not a suitable person to hold a protected area authority.

### **71AE Definitions for division**

In this division—

***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.

### **71AF Restriction on grant for suitability**

- (1) The chief executive must not grant a protected area authority to an applicant who is not a suitable person to hold the authority.
- (2) Without limiting subsection (1), in deciding whether the applicant is a suitable person, the chief executive may have regard to any matter relevant to the applicant's ability to carry out activities under the protected area authority in a competent and ethical way.
- (3) Subsection (1) does not apply in relation to a camping permit.

### **71AG 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

[s 71AH]

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- (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 carried out under the authority.

*Examples of when chief executive may be satisfied—*

- 1 A person convicted of an offence against section 62 of the Act for taking 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 if the person has been given an infringement notice for the offence under the *State Penalties Enforcement Act 1999*.

## **71AH 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 carry out activities under the authority in a competent and ethical way.
- (2) Without limiting subsection (1), the chief executive may be satisfied the person is unable to carry out activities under the protected area authority in a competent and ethical way if—
  - (a) the person, or an associate of the person, has accumulated 10 or more demerit points under section 71AI within 3 years before the relevant day; or
  - (b) the person, or an associate of the person, 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 71AI; 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.

### **71AI Accumulation of demerit points**

- (1) This section applies to a person who is given an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against the Act if the person—
  - (a) is convicted of the offence; or
  - (b) pays the fine stated in the infringement notice for the offence; or
  - (c) applies under the *State Penalties Enforcement Act 1999*, section 23 to pay the fine stated in the infringement notice for the offence by instalments; or
  - (d) fails to pay the fine stated in the infringement notice for the offence, resulting in a default certificate being given to SPER for the infringement notice.
- (2) For section 71AH(2)(a) and (b), the person accumulates the following number of demerit points for the offence—
  - (a) for an offence for which the maximum penalty is not more than 20 penalty units—1 demerit point;
  - (b) for an offence for which the maximum penalty is more than 20 but not more than 50 penalty units—2 demerit points;
  - (c) for an offence for which the maximum penalty is more than 50 but not more than 80 penalty units—3 demerit points;

[s 71AJ]

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- (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.

## Division 4                      Considering applications

### 71AJ    General matters for chief executive to consider

- (1) The chief executive must consider an application for a protected area authority having regard to each of the following matters—
  - (a) whether the chief executive is restricted from granting the authority under chapter 3 or 4;
  - (b) whether the applicant is a suitable person to hold the authority;

*Note—*

See division 3 for when a person is not a suitable person.

- (c) the impact the activities proposed to be carried out under the authority may have on the conservation of the cultural or natural resources of a protected area;
  - (d) the effect the grant of the authority may have on the fair and equitable access to nature, in particular, the ecologically sustainable use of 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.
- (2) Subsection (1)(b) does not apply to an application for a camping permit.
- (3) 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.

- (4) In this section—

***precautionary principle*** means the principle that, if there are threats of serious or irreversible environmental damage, lack

[s 71AK]

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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.

#### **71AK Additional matters for refusal of particular applications**

- (1) This section applies—
  - (a) in addition to section 71AJ; and
  - (b) 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 ends.
- (2) Without limiting section 71AO(1)(b), the chief executive may refuse the application if the chief executive believes—
  - (a) the existing protected area authority was obtained on the basis of incorrect or misleading information; or
  - (b) the holder of the existing protected area authority, or a relevant person for the holder, has contravened a condition of the authority.

#### **71AL 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 authority 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) The applicant is taken to have withdrawn the application if the applicant does not comply with the request within—
  - (a) if the chief executive has given the applicant a notice under subsection (3)—the period stated in the notice; or
  - (b) otherwise—a reasonable period.
- (6) The chief executive may extend the period mentioned in subsection (5).

### **71AM 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.

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## **71AN Chief executive may request public notice of application**

- (1) This section applies if the chief executive considers 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.
- (2) The chief executive may give the applicant a notice stating—
  - (a) the applicant must give public notice of the application within a stated period; and
  - (b) the information that must be included in the public notice; and
  - (c) the number of times, being not more than 2, that the public notice must be given.
- (3) The applicant must give the public notice and ensure it—
  - (a) includes the stated information; and
  - (b) invites interested persons to make written submissions to the chief executive in relation to the application—
    - (i) at an address stated in the notice; and
    - (ii) within a stated period of at least 20 business days.
- (4) Before deciding whether or not to grant the protected area authority, the chief executive must consider any written submissions received by the chief executive in response to the public notice.

## **Division 5                      Deciding applications**

### **71AO 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) The chief executive must decide the application—
  - (a) for an application for a joint marine park authority permit—
    - (i) if, under section 71AL, the chief executive asks for further information or a document—within a reasonable time after receiving the information or document; or
    - (ii) otherwise—within a reasonable time after receiving the application; or
  - (b) for an application for any other protected area authority—
    - (i) if, under section 71AL, the chief executive asks for further information or a document—within 40 business days after receiving the information or document; or
    - (ii) if, under section 71AN, the chief executive asks the applicant to give public notice of the application—within 40 business days after the end of the period within which interested persons may make submissions in response to the notice; or
    - (iii) otherwise—within 40 business days after receiving the application.

### **71AP 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 71AO(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.

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- (3) If the chief executive decides to refuse the application, the chief executive must, as soon as practicable after making the decision—
  - (a) for a camping permit—advise the applicant about the refusal; or
  - (b) for another protected area authority—give the applicant an information notice for the decision.

## Part 2                      **Camping permits in particular areas**

### Division 1                **E-permit camping areas**

#### **71AQ Establishing areas**

- (1) The chief executive may erect or display, at the entrance to a protected area, a notice (an ***e-permit camping notice***) stating that the area is an e-permit camping area.
- (2) An e-permit camping notice for an e-permit camping area must state the following—
  - (a) the period during which the area is an e-permit camping area;
  - (b) in general terms, the procedures to be followed by a person intending to camp in the area;
  - (c) the conditions applying to a person camping in the area;
  - (d) the penalty for camping in the area without a camping permit;
  - (e) the e-permit distribution points for the area.
- (3) The chief executive may also erect or display a notice (an ***additional conditions notice***) near the e-permit camping notice stating conditions, applying to a person camping in the e-permit camping area, additional to the conditions stated in the e-permit camping notice.



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- (4) The chief executive must make camping tags available in an accessible and conspicuous position in or near each e-permit distribution point stated in an e-permit camping notice.
  - (5) Each camping tag must include a space on the tag for a person who holds a camping permit for the e-permit camping area to write the following information—
    - (a) the person's name;
    - (b) the number for identifying the person's camping permit for the area.
  - (6) The chief executive must ensure a person who has applied, or intends to apply, for a camping permit for an e-permit camping area is notified of the location of each e-permit distribution point for the area.
  - (7) Without limiting subsection (3), the chief executive must—
    - (a) publish on the department's website the location of each e-permit distribution point for the area; and
    - (b) for a camping permit taken to be granted under section 71AR(1)—ensure the notice given under that section includes the location of each e-permit distribution point for the e-permit camping area to which the permit applies; and
    - (c) for a camping permit taken to be granted under section 71AR(2)—ensure the person to whom the permit is granted is advised of the location of each e-permit distribution point for the e-permit camping area to which the permit applies.

## **71AR When camping permit for e-permit camping area granted**

- (1) A person who applies for a camping permit for an e-permit camping area by way of the approved website is taken to have been granted a camping permit for the area when the following steps have been completed—
  - (a) the person pays the camping fee by giving the person's credit card or gift card details;

[s 71AS]

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- (b) the person receives a notice stating the number identifying the permit.
- (2) A person who applies for a camping permit for an e-permit camping area by phone is taken to have been granted a camping permit for the area when the following steps have been completed—
  - (a) the person gives the information required on the approved form;
  - (b) the person states that the person understands and accepts the conditions of the permit;
  - (c) the person pays the camping fee by giving the person's credit card or gift card details;
  - (d) the person is issued a number identifying the permit.
- (3) In this section—

***approved website*** means the website approved by the chief executive for applying for camping permits for e-permit camping areas.

## **71AS Extent to which e-camping permit granted**

- (1) A camping permit for an e-permit camping area is taken to have been 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 an e-permit 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 e-permit camping notice or any additional conditions notice for the 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 e-permit camping notice, and any additional conditions notice, for the area are taken to be conditions of the camping permit.

## Division 2                      Self-registration camping areas

### 71AT    Establishing areas

- (1) The chief executive may erect or display, at the entrance to a protected area, a notice (a *self-registration camping notice*) stating that the area is a self-registration camping area.
- (2) A self-registration camping notice for a self-registration camping area must state the following—
  - (a) the period during which the area is a self-registration camping area;
  - (b) in general terms, the procedures to be followed by a person intending to camp in the area;
  - (c) the conditions applying to a person camping in the area;
  - (d) the camping fee payable for camping in the area;
  - (e) the penalty for camping in the area without a camping permit.
- (3) The chief executive must make forms (*camping forms*) and a sealed, secure container (a *camping fee container*) available for use for camping in the area.
- (4) The camping forms and camping fee container must be in an easily accessible and conspicuous position in the area.
- (5) The camping form must—
  - (a) state the procedures a person using the form must follow; and
  - (b) include a detachable envelope (a *camping fee envelope*); and
  - (c) include a detachable camping tag with—
    - (i) a space for writing the person's name on it; and

[s 71AU]

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- (ii) the number for identifying the permit written on it;  
and
- (d) include, on the camping fee envelope, a section for use  
for credit card payment of camping fees.

### **71AU When camping permit for self-registration camping area granted**

- (1) A person who applies for a camping permit for a self-registration camping area by filling in a camping form for the area is taken to have been granted a camping permit for the area when the following steps have been completed—
  - (a) the person fills in the camping form in the way stated in the form;
  - (b) the person either—
    - (i) places the camping fee in cash or a cheque in the camping fee envelope for the form and seals the envelope; or
    - (ii) properly completes and signs the credit card payment section of the form;
  - (c) the person puts the envelope in the camping fee container.
- (2) However, the camping permit is taken not to have been granted if—
  - (a) the person pays the camping fee by cheque and the cheque is dishonoured; or
  - (b) the person completes the credit card payment section of the camping fee envelope and the person's financial institution does not authorise the payment.

### **71AV Extent to which self-registered camping permit granted**

- (1) A camping permit for a self-registration camping area is taken to have been granted only—

- (a) for the number of people stated in the camping form; and
  - (b) for not more than the number of people stated in the self-registration camping notice for the area as the maximum number of persons who can camp under a camping permit for the area; and
  - (c) for a time when the area the subject of the permit is a self-registration camping area; and
  - (d) for the number of days stated in the camping form; and
  - (e) for not longer than—
    - (i) if the self-registration camping notice for the 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 self-registration camping notice for the area are taken to be conditions of the camping permit.

## **Part 3                      Form of authorities**

### **71AW Application of part**

For section 9, this part applies in relation to a special wildlife reserve or nature refuge.

### **71AX 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.

[s 71AY]

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- (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.

### **71AY 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;
  - (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—the name of the individual in charge of the activity to be carried out under the authority;
  - (k) for an Aboriginal tradition authority or an Island custom authority—the names of the individuals who may carry out activities under the authority;

- (l) any conditions imposed by the chief executive on the authority.
- (2) For subsection (1)(k), an individual's name may be stated in an Aboriginal tradition authority or an Island custom authority only if the individual is named in the application for the authority.
- (3) Also, an apiary permit for a protected area must identify the location of each apiary site to which the permit relates.

#### **71AZ Chief executive must issue camping tags for camping permits**

- (1) This section applies if the chief executive grants a camping permit to a person under part 1.
- (2) The chief executive must give the person a camping tag for use with the permit when the permit is granted.

## **Part 4 Term of authorities**

#### **71BA Application of part**

For section 9, this part applies in relation to a special wildlife reserve or nature refuge.

#### **71BB Term**

- (1) A protected area authority is granted for the term stated in it.
- (2) The term must not be more than the maximum term stated in this part for the protected area authority.
- (3) Subject to part 7, the protected area authority ends at the end of the term.

[s 71BC]

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**71BC Maximum terms for permits and authorities for taking etc. cultural or natural resources**

- (1) The maximum term for each of the following resources permits for a protected area is as follows—
  - (a) a resources permit granted for a scientific purpose—3 years;
  - (b) a resources permit granted for an educational purpose—3 years;
  - (c) another resources permit—1 year.
- (2) The maximum term for an apiary permit for a protected area is 5 years.
- (3) The maximum term for an Aboriginal tradition authority, or an Island custom authority, for a protected area is 1 year.

**71BD 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 authority permit—3 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.



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## **Part 5**                      **Amendment, suspension or cancellation of authorities**

### **Division 1**                **Preliminary**

#### **71BE Application of part**

For section 9, this part applies in relation to a special wildlife reserve or nature refuge.

### **Division 2**                **Minor amendments**

#### **71BF Minor amendments by chief executive**

- (1) This section applies if—
  - (a) the chief executive believes 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 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) The effect of the amendment does not depend on the amendment being noted on the protected area authority.

*Note—*

See, however, division 7.

(6) 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 3                      Amendments by application**

### **71BG 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 be—
  - (a) accompanied by the fee payable under chapter 8A for the amendment; and
  - (b) if the application is for a protected area authority other than a camping permit—
    - (i) in writing; and
    - (ii) made at least 10 business days before the holder intends for the amendment to take effect.

### **71BH 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.
- (2) The chief executive may consider the application even if it does not comply with section 71BG(2)(b)(ii).
  - (3) The chief executive must decide the application within 40 business days after receiving the application.

### **71BI Steps to be taken after application decided**

- (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 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) The effect of the amendment does not depend on the amendment being noted on the protected area authority.

*Note—*

See, however, division 7.

- (4) 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.

## **Division 4                      Non-immediate amendments by chief executive**

### **71BJ    Grounds for amendment**

The chief executive may, by complying with section 71BK, amend a protected area authority if—

- (a) the chief executive believes—
  - (i) the authority was obtained because of false or misleading information; or
  - (ii) the holder of the authority has contravened a condition of the authority; or
  - (iii) for a protected area authority other than a camping permit—the holder of the authority is not, or is no longer, a suitable person to hold the authority; or

*Note—*

See also part 1, division 3 for when a person is not a suitable person.

- (iv) the amendment is necessary having regard to the object of the Act; or
- (b) the holder of the authority has failed to—
  - (i) pay a fee or royalty payable under the Act for the authority; or
  - (ii) give the chief executive information required to be given under the Act for the authority; or
- (c) the holder of the authority is convicted of an offence against the Act and the chief executive is satisfied the activities of the holder that led to the conviction are relevant to the holder's ability to carry out activities under the authority in a competent and ethical way; or
- (d) the chief executive believes the authority should be amended—
  - (i) to secure the safety of a person or a person's property; or

- (ii) to conserve or protect the cultural or natural resources of a protected area; or
- (e) 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, under this regulation; or
- (f) the activity to which the authority applies is declared, after the grant of the authority, as a prescribed commercial activity or a special activity under this regulation; or
- (g) the authority is a joint marine park authority permit and the chief executive believes 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.

## **71BK Procedure for amendment**

- (1) If the chief executive proposes to make an amendment under section 71BJ, the chief executive must notify the holder of the following matters—
  - (a) the proposed amendment;
  - (b) the ground for the proposed amendment under section 71BJ;
  - (c) an outline of the facts and circumstances forming the basis for the ground;
  - (d) that the holder may make written representations, within a stated period, about why the proposed amendment should not be made.
- (2) For a protected area authority, other than a camping permit—
  - (a) the notification must be in writing; and
  - (b) the stated period must be at least 20 business days after the notification is given.

[s 71BK]

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- (3) The chief executive may amend the protected area authority if, after considering any written representations made within the stated period, the chief executive still believes the amendment should be made—
  - (a) in the way notified; or
  - (b) in another way, having regard to the representations.
- (4) If the chief executive amends the protected area authority, the chief executive must—
  - (a) for a camping permit—advise the holder of the amendment; or
  - (b) for another protected area authority—give the holder an information notice for the decision.
- (5) The amendment takes effect on the later of the following days—
  - (a) the day the advice or information notice is given to the holder;
  - (b) the day of effect stated in the advice or information notice.
- (6) The effect of the amendment does not depend on the amendment being noted on the protected area authority.

*Note—*  
See, however, division 7.
- (7) If the chief executive decides not to make the amendment, 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 notice of the decision.
- (8) Subsections (1) to (3) and (7) apply in relation to a camping permit only if the address of the holder of the permit is stated in the permit.

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## **Division 5                      Immediate amendment or    suspension by chief executive**

### **71BL   Safety and conservation grounds**

- (1) This section applies if—
  - (a) the chief executive believes a protected area authority should be amended or suspended—
    - (i) to secure the safety of a person or a person's property; or
    - (ii) because of a fire or other 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 a protected area authority applies is declared, after the grant of the authority, to be a restricted access area, or an area closed to the public, under this regulation.
- (2) The chief executive may, verbally if practicable, or by signs, advise the holder of the authority 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.
- (3) If the chief executive acts under subsection (2), the amendment or suspension—
  - (a) takes effect immediately after the holder is advised of the amendment or suspension; and
  - (b) continues until the chief executive decides the reason for the amendment or suspension no longer exists.
- (4) The effect of an amendment under this section does not depend on the amendment being noted on the protected area authority.

*Note—*

See, however, division 7.

- (5) The chief executive must, as soon as practicable after the amendment or suspension ends—
  - (a) remove any sign erected under subsection (2) in relation to the amendment or suspension; and
  - (b) either—
    - (i) advise the holder of the authority that the amendment or suspension no longer applies; or
    - (ii) publish a notice on the department’s website advising that the amendment or suspension no longer applies.
- (6) In this section—

***sign*** includes a sign erected—

  - (a) at or near a usual access point to a protected area; or
  - (b) in a position that would normally be seen by a person accessing a protected area.

## **71BM Failure to pay fee or royalty or give return**

- (1) This section applies if—
  - (a) the holder of a protected area authority has failed to—
    - (i) pay a fee or royalty payable under the Act for the authority; or
    - (ii) give the chief executive a return of operations required to be given under the Act for the authority; and
  - (b) the chief executive has given the holder a notice stating the following matters—
    - (i) the holder must pay the fee or royalty or give the return to the chief executive by a day, at least 10 business days after the holder receives the notice, stated in the notice;



- (ii) if the holder does not pay the fee or royalty or give the return to the chief executive by the stated day, the chief executive may amend or suspend the authority under this section; and
- (c) the holder does not pay the fee or royalty or give the return to the chief executive by the stated day.
- (2) The chief executive may decide to amend or suspend the protected area authority.
- (3) If the chief executive decides to amend or suspend the protected area authority, the chief executive must give the holder of the authority an information notice for the decision.
- (4) The amendment or suspension takes effect on the later of the following days—
  - (a) the day the notice is given to the holder;
  - (b) the day of effect stated in the notice.
- (5) If the chief executive suspends the authority—
  - (a) the information notice must state the suspension period; and
  - (b) the suspension continues until the earlier of the following—
    - (i) the day the holder pays the outstanding fee or royalty or gives the chief executive the outstanding return;
    - (ii) the end of the suspension period stated in the information notice.
- (6) The effect of an amendment under this section does not depend on the amendment being noted on the protected area authority.

*Note—*

See, however, division 7.

## **Division 6**

## **Non-immediate suspension or cancellation by chief executive**

### **71BN Grounds**

The chief executive may, by complying with section 71BO, suspend or cancel a protected area authority if—

- (a) there is a ground under section 71BL(1) or 71BM(1) for immediately amending or suspending the authority; or
- (b) the chief executive believes—
  - (i) the authority was obtained because of false or misleading information; or
  - (ii) the holder of the authority has failed to comply with a condition of the authority; or
  - (iii) for a protected area authority other than a camping permit—the holder of the authority is not, or is no longer, a suitable person to hold the authority; or

*Note—*

See also part 1, division 3 for when a person is not a suitable person.

- (c) the holder of the authority is convicted of an offence against the Act and the chief executive is satisfied the activities of the holder that led to the conviction are relevant to the holder's ability to carry out activities under the authority in a competent and ethical way; or
- (d) the holder of the authority has failed to give the chief executive information, other than information for a return of operations, required to be given under the Act for the authority; or
- (e) the chief executive believes the activities being carried out under the authority are having an unacceptable impact on the character or amenity of a protected area or its adjacent areas; or

- (f) the chief executive believes the activities being carried out under the authority are threatening public health or safety; or
- (g) the chief executive believes the suspension or cancellation is necessary to ensure the fair and equitable access to nature; or

*Example—*

Environmental factors have affected the availability of public access to a protected area for which the protected area authority is granted and the authority currently restricts the remaining public access to the area.

- (h) the authority is a joint marine park authority permit and the chief executive believes 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.

## 71BO Procedure

- (1) If the chief executive proposes to suspend or cancel a protected area authority (the ***proposed action***) under section 71BN, the chief executive must notify the holder of the authority of the following matters—
  - (a) the proposed action;
  - (b) the ground for the proposed action under section 71BN;
  - (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, about why the proposed action should not be taken.

- (2) For a protected area authority, other than a camping permit—
  - (a) the notification must be in writing; and
  - (b) the stated period must be at least 20 business days after the notification is given.
- (3) If, after considering any written representations made within the stated period, the chief executive still considers the ground to take the proposed action exists, the chief executive may decide—
  - (a) if the proposed action was to suspend the authority—to suspend it for not longer than the proposed suspension period; or
  - (b) if the proposed action was to cancel the authority—either to cancel it or to suspend it for a period.
- (4) If the chief executive decides to suspend or cancel the authority, the chief executive must—
  - (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.
- (5) The suspension or cancellation of the protected area authority takes effect on the later of the following days—
  - (a) the day when the advice or information notice is given to the holder;
  - (b) the day of effect stated in the advice or information notice.
- (6) If the chief executive decides not to take the proposed action, 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 notice of the decision.

- (7) Despite subsections (4) and (5), 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.
- (8) Despite subsections (4) and (5), 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.
- (9) Subsections (1), (3), (4) and (6) apply in relation to a camping permit only if the address of the holder of the permit is stated in the permit.

## **Division 7                      Return of authorities**

### **71BP    After amendment**

- (1) The chief executive may, by notice, ask the holder of a protected area authority that has been amended under this part to return the authority to the chief executive by a day stated in a notice.
- (2) The day stated in the notice must be at least 10 business days after the day the notice is given.
- (3) The holder must, unless the holder has a reasonable excuse, return the protected area authority to the chief executive by the stated day.

Maximum penalty—20 penalty units.

- (4) The chief executive must, as soon as practicable after receiving the protected area authority—
  - (a) note the amendment on the authority; and
  - (b) give the authority back to the holder.

### **71BQ    After suspension**

- (1) The chief executive may, by notice, ask the holder of a protected area authority that has been suspended under this

[s 71BR]

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part to return the authority to the chief executive by a day stated in a notice.

- (2) The day stated in the notice must be at least 10 business days after the day the notice is given.
- (3) The holder must, unless the holder has a reasonable excuse, return the protected area authority to the chief executive by the stated day.

Maximum penalty—20 penalty units.

- (4) The chief executive must give the protected area authority back to the holder on or before the day the suspension ends.

## **71BR After cancellation**

The holder of a protected area authority that has been cancelled under this part must, unless the holder has a reasonable excuse, return the protected area authority to the chief executive within 10 business days after the cancellation takes effect.

Maximum penalty—20 penalty units.

# **Part 6                      Transfer of apiary and joint marine park authority permits**

## **Division 1                Transferable permits**

### **71BS Particular permits transferable**

The following protected area authorities are transferable—

- (a) an apiary permit;
- (b) a joint marine park authority permit.

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## **Division 2                      Apiary permits**

### **71BT    Transfer of apiary permits**

- (1) The chief executive may, on an application made by the holder of an apiary permit and the proposed transferee, transfer the apiary permit.
- (2) The application must be—
  - (a) in the approved form; and
  - (b) accompanied by the fee payable under chapter 8A for the transfer.
- (3) Part 1 applies in relation to the application as if a reference in the part to an applicant for an apiary permit were a reference to the proposed transferee applying for the transfer of the apiary permit.

## **Division 3                      Joint marine park authority permits**

### **71BU    Application to transfer**

- (1) A holder of a joint marine park authority permit and a proposed transferee may apply to the chief executive to transfer the permit.
- (2) The application must be—
  - (a) in the approved form; and
  - (b) signed by each holder of the joint marine park authority permit and the proposed transferee; and
  - (c) given to the chief executive at least 28 days before the day on which the transfer is intended to take effect; and
  - (d) accompanied by the fee payable under chapter 8A for the transfer.
- (3) This section—

[s 71BV]

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- (a) applies in relation to a commercial activity permit continued in effect under section 71CG; and
- (b) does not apply in relation to a commercial activity permit that has been suspended.

### **71BV Considering application**

In considering an application to transfer a joint marine park authority 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) whether the holder of the permit, or the proposed transferee, owes any fee, royalty or other amount payable under—
  - (i) the Act; or
  - (ii) a marine park Act;
- (c) all matters relevant to ensuring the orderly and proper management of the protected area to which the permit applies.

### **71BW Chief executive's power to require further information**

- (1) Before deciding an application to transfer a joint marine park authority permit, the chief executive may, by notice, ask the holder of the permit or the 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 60 days after the person to whom the notice is given receives the notice.



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## **71BX Decision on application**

- (1) The chief executive must decide an application to transfer a joint marine park authority permit within 28 days after the chief executive—
  - (a) receives the application; or
  - (b) if the chief executive has asked for further information under section 71BW—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
  - (b) the holder of the permit, or the proposed transferee, does not owe any fee or other amount payable under—
    - (i) the Act; or
    - (ii) 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.

## **71BY Steps after approval of transfer**

- (1) This section applies if the chief executive decides to approve the transfer of a joint marine park authority permit under section 71BX.
- (2) The chief executive must cancel the existing joint marine park authority permit and give the proposed transferee a new joint marine park authority 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*)—

[s 71BZ]

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- (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 have ended if it were not cancelled under this section; 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 new joint marine park authority permit if—
- (a) the proposed transferee consents to the condition; or
  - (b) 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; or
  - (c) 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.
- (4) The holder of the cancelled joint marine park authority permit must return the permit to the chief executive before the end of the day after the transfer day.

## **Part 7                      Renewal and continuation of commercial activity permits**

### **Division 1              Preliminary**

#### **71BZ   Definitions for part**

In this part—

*existing permit* see section 71CA(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 71CE.

***renewal request*** see section 71CA(1).

***substantially the same***, in relation to activities, see section 71CD(1).

## **Division 2                      Renewal requests**

### **71CA    Holder may apply for renewal of commercial activity permit**

- (1) The holder of a commercial activity permit (an ***existing permit***) may ask the chief executive to renew the existing 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 8A for the renewal and the permit.

### **71CB    Existing permit continues in effect until renewal request is decided**

- (1) This section applies if the holder of an existing permit makes a renewal request for the permit.
- (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 existing permit has continued in effect for 3 months after the day it would otherwise have ended.

[s 71CC]

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- (3) However, if the chief executive renews the existing permit, the new permit is taken to have 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.

### **71CC When chief executive may renew 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 carry out under a new permit are substantially the same as the activities that may be carried out under the existing permit; and
  - (b) is satisfied nothing in part 1 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 1; 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 permit under chapter 4, part 8, division 3; and
    - (ii) for each fee payable under chapter 8A in relation to the 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; and

- (d) is not aware of any information that is likely to change the chief executive's consideration of a matter mentioned in part 1 for the existing permit.

**71CD When activities under a new permit are substantially the same as under an existing permit**

- (1) For this part, the activities (the *relevant activities*) that may be, or are intended to be, carried out under a new permit are *substantially the same* as the activities that may be carried out under the existing permit if—
  - (a) all of the relevant activities may be carried out under the existing permit; and
  - (b) the relevant activities relate only to a location where activities may be carried out under the existing permit; and
  - (c) the scale of the relevant activities is not greater than the scale of the activities that may be carried out under the existing permit.
- (2) In this section—

*scale*, of relevant activities, includes the number of people, vehicles, structures or resources in relation to the relevant activities.

**71CE Steps to be taken if chief executive renews permit**

- (1) If the chief executive decides to renew an existing permit under section 71CC, 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 that may be carried out under the existing permit; and
  - (b) on the same conditions as the existing permit, unless subsection (3) applies; and

[s 71CF]

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- (c) for a term that starts on the day after the day the existing permit ends.
- (3) The commercial activity permit may be granted with conditions that are different from the conditions of the existing permit only if—
  - (a) the change of conditions is the same type of amendment mentioned in section 71BF; or
  - (b) the holder agrees to the change of conditions; or
  - (c) the change of conditions is for a ground mentioned in section 71BJ or 71BL(1).

### **71CF Step to be taken if chief executive refuses to renew permit**

If the chief executive refuses to renew an existing permit under section 71CC, the chief executive must give the holder an information notice that includes a statement that the refusal does not prevent the holder from applying for a new commercial activity permit under part 1.

## **Division 3 Continuation of other permits for new applications**

### **71CG Permits taken to have effect while new application considered**

- (1) This section applies if—
  - (a) the holder of a commercial activity permit (the *original permit*) applies for the grant of another commercial activity permit (the *next permit*); and
  - (b) the next permit is proposed to take effect immediately after the end of the original permit.
- (2) The original permit is taken to continue in effect from the original end day until the day on which the earliest of the following happens—

- (a) the chief executive grants the next permit;
  - (b) the chief executive decides to refuse the application and gives the applicant an information notice for the decision;
  - (c) the applicant is taken to have withdrawn the application under section 71AL;
  - (d) if the original permit is not a joint marine park authority permit—the original permit has continued for 3 months after the original end day.
- (3) However, if the chief executive grants the next permit—
- (a) the original permit is taken to end on the original end day; and
  - (b) the next permit is taken to have effect immediately after the original end day; and
  - (c) for the period during which the original permit is taken to have continued under subsection (2), the next permit is taken to be subject to the same conditions and authorise the same activities as the original permit.
- (4) Subsection (2) does not stop the original permit from being suspended or cancelled under this regulation.
- (5) In this section—
- original end day*, for an original permit, means the day the permit would have ended but for subsection (2).

## Part 8 Replacement and surrender of authorities

### 71CH Application of part

For section 9, this part applies in relation to a special wildlife reserve or nature refuge.

## **71CI Replacement**

- (1) The holder of a protected area authority may apply to the chief executive for the replacement of the authority if it has been damaged, destroyed, lost or stolen.
- (2) The application must—
  - (a) be in writing; and
  - (b) be accompanied by the fee payable under chapter 8A for the application.
- (3) The chief executive must grant the application if the chief executive is satisfied the protected area authority has been—
  - (a) damaged in a way that requires its replacement; or
  - (b) destroyed, lost or stolen.
- (4) If the chief executive decides to grant the application, the chief executive must give the holder a replacement protected area authority.
- (5) If the chief executive decides to refuse the application, the chief executive must give the applicant an information notice for the decision within 14 days after the decision is made.

## **71CJ Surrender**

- (1) The holder of a protected area authority may surrender the authority by returning the authority and 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.



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## Part 9 Requirements for authorities

### 71CK Application of part

For section 9, this part applies in relation to a special wildlife reserve or nature refuge.

### 71CL Compliance with conditions of authority

- (1) The holder of a protected area authority, or a relevant person for the holder, must comply with the conditions of the authority that apply to the holder or relevant person, unless the holder or relevant person has a reasonable excuse.

Maximum penalty—80 penalty units.

- (2) 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.
- (3) This section does not apply to a camping permit.

*Note—*

For complying with conditions of camping permits, see section 90.

### 71CM 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, must—
  - (a) 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

[s 71CN]

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- (b) if asked by a conservation officer, 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.

### **71CN 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—the person in charge of the activity carried out 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) 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 3.

## Chapter 4B Commercial activity agreements

### Part 1 Preliminary

#### 71CO 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 person to conduct a commercial activity in a protected area.
- (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.

## **71CP 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
  - (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

## **71CQ 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 any matter relevant to the person's ability to carry out 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 4A, part 1, division 3, be a suitable person to hold the permit.

### **71CR 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.

- (3) In this section—

*insurance cover*, for activities for which a commercial activity agreement is sought, means a policy of insurance that insures the other party to the agreement against a claim for damage, injury or loss to a person, and damage to property, arising from the activities to be conducted under the agreement.

### **71CS 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;

[s 71CT]

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- (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;
  - (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 amendment, suspension and cancellation of commercial activity agreements by the chief executive.

## **71CT Mandatory conditions of agreement**

- (1) This section applies if the chief executive reasonably believes a commercial activity agreement should be subject to a condition that will assist in achieving the object of the Act (a ***conservation condition***).

*Note—*

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

- (2) The chief executive must not enter into the agreement unless—
- (a) the agreement is made subject to the condition; and
  - (b) the agreement identifies the condition as a conservation condition and states that a breach of the condition is an offence against section 106.

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## **Part 2                      Expression of interest process**

### **71CU 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.

### **71CV 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 from—
  - (a) only the holders of a commercial activity permit for the activity for the area; or
  - (b) the members of the public the chief executive believes 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 that will be the subject of the agreement;
  - (b) if the commercial activity is a prescribed commercial activity for the area—
    - (i) the commercial activity is a prescribed commercial activity for the area; and
    - (ii) that, under section 105(2), a person may conduct the prescribed commercial activity in the area only

[s 71CW]

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under a commercial activity agreement or under particular commercial activity permits;

- (c) if the expression of interest process is open only to the holders of a commercial activity permit for the activity for the area—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 7A;
- (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 on the conducting of the activity under the agreement.

### **71CW 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 7A for submitting the expression of interest; and
- (c) submitted in the way, and by the day and time, stated in the invitation under section 71CV.

### **71CX 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 8 and chapter 4A, parts 1 and 7.

## **71CY Chief executive may request further information**

- (1) Without limiting section 71CX(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, at least 20 business days after the submitter receives the notice, stated in the notice.
- (2) 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.
- (3) The chief executive may extend the period for the submitter to give the further information.

### **71CZ 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.

### **71DA Notice to unsuccessful submitters**

The chief executive must, within 14 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**

### **71DB Application of part**

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

### **71DC 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.
- (2) The application must be—
  - (a) in writing; and
  - (b) accompanied by the fee stated in schedule 7A for the application.

### **71DD 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 8 and chapter 4A, parts 1 and 7.

### **71DE 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, at least 20 business days after the applicant receives the notice, stated in the notice.
- (2) 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.
- (3) The chief executive may extend the period for the applicant to give the further information.

### **71DF Amending the application**

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

### **71DG Chief executive may request public notice of application for commercial activity agreement**

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

- (2) The chief executive may give the applicant a notice stating—
  - (a) the applicant must give public notice of the application within a stated period; and
  - (b) the information that must be included in the public notice; and
  - (c) the number of times, being not more than 2, that the public notice must be given.
- (3) The applicant must give the public notice and ensure it—
  - (a) includes the stated information; and
  - (b) invites interested persons to make written submissions to the chief executive in relation to the application—
    - (i) at an address stated in the notice; and
    - (ii) within a stated period of at least 20 business days.
- (4) Before deciding whether or not to further negotiate toward entering into the agreement, the chief executive must consider any written submissions received by the chief executive in response to the public notice.

## **71DH Negotiating application for agreement**

- (1) The chief executive must consider each application and decide—
  - (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.

### **71DI 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 Requirements applying to, and nature of, agreements**

### **71DJ 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, so long as the term of the agreement is not, at any time, 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.

### **71DK Nature of 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 in the agreement, the commercial activity stated in the agreement in 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 agreement**

### **71DL Immediate amendment or suspension of agreement for safety or conservation**

- (1) This section applies if—
  - (a) the chief executive believes a commercial activity agreement should be amended or the authorisation under it suspended—
    - (i) to secure the safety of a person or a person's property; or
    - (ii) because of a fire or other natural disaster; or
    - (iii) to conserve or protect the cultural or natural resources of the protected area to which the agreement applies; or
  - (b) the area to which a commercial activity agreement applies is declared, after the agreement was entered into, to be a restricted access area, or an area closed to the public, under this regulation.
- (2) The chief executive may, verbally if practicable, or by signs, advise the other party to the commercial activity agreement 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.
- (3) If the chief executive acts under subsection (2), the amendment or suspension takes effect immediately after the other party is advised of the amendment or suspension and continues in effect until the chief executive decides the reason for the amendment or suspension no longer exists.
- (4) The effect of an amendment under this section does not depend on the amendment being noted on the agreement.

- (5) The chief executive must, as soon as practicable after the amendment or suspension ends—
  - (a) advise the other party that the amendment or suspension no longer applies; or
  - (b) publish a notice on the department’s website advising that the amendment or suspension no longer applies.
- (6) In this section—

*sign* includes a sign erected—

  - (a) at or near a usual access point to a protected area; or
  - (b) in a position that would normally be seen by a person accessing a protected area.

### **71DM Non-immediate amendment of agreement—grounds**

The chief executive may, by complying with section 71DN, amend a commercial activity agreement—

- (a) for a reason mentioned in section 71DL(1); or
- (b) if the chief executive believes—
  - (i) the agreement was entered into on the basis of incorrect or misleading information; 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 71CQ; or
  - (iv) the amendment is necessary having regard to the object of the Act; or
- (c) if 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 carry out activities under the agreement in a competent and ethical way; or

- (d) if the agreement applies to an activity that has been declared as a special activity under this regulation.

### **71DN Non-immediate amendment of agreement—procedure**

- (1) Before amending the agreement under section 71DM, the chief executive must give the other party to the agreement a notice stating each of the following—
  - (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.
- (2) If, after considering any written representations made within the stated period, the chief executive still considers the amendment should be made, the chief executive may amend the agreement—
  - (a) in the way stated in the notice; or
  - (b) in another way, having regard to the representations.
- (3) If the chief executive amends the agreement, the chief executive must give the other party an information notice for the decision.
- (4) The amendment takes effect on the later of the following days—
  - (a) the day the information notice is given to the other party;
  - (b) the day of effect stated in the information notice.
- (5) The effect of the amendment does not depend on the amendment being noted on the agreement.



- (6) If the chief executive decides not to make the amendment, the chief executive must, as soon as practicable after making the decision, give the other party notice of the decision.

### **71DO Non-immediate cancellation of agreement or suspension of authorisation under agreement—grounds**

The chief executive may, by complying with section 71DP, cancel a commercial activity agreement or suspend the authorisation under the agreement—

- (a) for a reason mentioned in section 71DM; or
- (b) if the chief executive believes the activities being conducted under the agreement are having an unacceptable impact on the character or amenity of—
  - (i) the protected area to which the agreement applies; or
  - (ii) areas adjacent to the protected area; or
- (c) if the chief executive believes the activities being conducted under the agreement are threatening public health or safety; or
- (d) if the chief executive believes the cancellation or suspension is necessary to ensure the fair and equitable access to the protected area to which the agreement applies.

*Example—*

Environmental factors have affected the availability of public access to the protected area to which a commercial activity agreement applies and the agreement currently restricts the remaining public access to the area.

### **71DP Non-immediate cancellation of agreement or suspension of authorisation under agreement—procedure**

- (1) Before taking action (the *proposed action*) under section 71DO, the chief executive must give the other party to the agreement a notice stating each of the following—

- (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 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.
- (2) If, after considering any written representations made within the stated period, the chief executive still considers the ground to take the proposed action exists, the chief executive may decide—
  - (a) if the proposed action was to suspend the authorisation under the agreement—to suspend the authorisation for not longer than the proposed suspension period; or
  - (b) if the proposed action was to cancel the agreement—either to cancel it or to suspend the authorisation under it for a period.
- (3) If the chief executive cancels the agreement, or suspends the authorisation under it, the chief executive must give the other party to the agreement an information notice for the decision.
- (4) The cancellation or suspension 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.
- (5) If the chief executive decides not to take the proposed action, the chief executive must as soon as practicable after making the decision give the other party to the agreement notice of the decision.
- (6) Despite subsections (3) and (4), if a commercial activity agreement is cancelled because of the conviction of a person

for an offence and the conviction is quashed, the cancellation stops having effect.

- (7) Despite subsections (3) and (4), if the authorisation under a commercial activity agreement 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.

## Part 6                      **Transfer of authorisation under agreement**

### **71DQ Application to transfer authorisation**

- (1) The other party to a commercial activity agreement (the *seller*) may transfer 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.

### **71DR 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 71CQ(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.

### **71DS Giving effect to transfer**

- (1) This section applies if—

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- (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 7A 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.
- (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 agreement—entering into, with the buyer, a commercial activity agreement for the conducting of the commercial activity the subject of 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 for the conducting of the commercial activity the subject of the authorisation.

## Part 7 Requirement to have agreement or copy available for inspection

### 71DT 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 to which the agreement applies;
  - (d) the activity authorised under the agreement.

## Chapter 5      Regulatory notices and declarations

### Part 1              Preliminary

#### 72      Definition for chapter

In this chapter—

*Aboriginal land protected area* means—

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

### Part 2              Regulatory notices

#### 73      Requirements for regulatory notices

- (1) This section applies for an activity that—
  - (a) relates to a public health and safety act; or
  - (b) under this regulation may be authorised, regulated or prohibited by a regulatory notice.
- (2) The chief executive may erect or display a notice (a *regulatory notice*) at the entrance to a protected area or a part of a protected area to which the notice applies.
- (3) However, if section 74 or 75 (each a *notice consultation provision*) applies, the chief executive may act under subsection (2) only if the chief executive complies with the consultation requirements mentioned in the relevant notice consultation provision.
- (4) 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 authorised, regulated or prohibited.
- (5) The notice may expressly state that a contravention of a requirement of the notice is an offence against the Act and the maximum penalty for the offence.

## 74 Particular regulatory notices for Aboriginal land protected areas

- (1) This section applies if the chief executive proposes to erect or display a regulatory notice—
  - (a) that is for an activity mentioned in section 73(1)(b); and
  - (b) at the entrance to an Aboriginal land protected area or a part of an Aboriginal land protected area.
- (2) The chief executive must comply with the consultation requirements 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 erecting or 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 erecting or display of the notice;
  - (e) obtain the landholder's consent for the erecting or display of the notice.

**75 Particular regulatory notices for particular protected areas to which indigenous land use agreements apply**

- (1) This section applies if—
  - (a) the chief executive proposes to erect or display a regulatory notice—
    - (i) that is for an activity mentioned in section 73(1)(b); and
    - (ii) at the entrance to a protected area, or a part of a protected area, other than an Aboriginal land protected area, 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 must comply with the consultation requirements, if any, 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 erecting or 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 erecting or display of the notice;
  - (e) obtain the person's consent for the erecting or display of the notice.



## **76 Regulatory information notice**

- (1) This section applies if a regulatory notice for a protected area or a part of a protected area does not expressly state that a requirement of the notice is an offence against the Act and the penalty for the offence.
- (2) The chief executive must erect or display, at the entrance to the area or part and other places the chief executive considers appropriate, a notice (a *regulatory information notice*) expressly stating—
  - (a) that a contravention of the requirement of the regulatory notice is an offence against the Act; and
  - (b) the penalty for the offence.
- (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.

## **77 Erection of regulatory notice or regulatory information notice is evidence of particular matters**

Evidence that a regulatory notice or a regulatory information notice was erected or displayed at the entrance to a protected area, or a part of a protected area, is evidence the notice was erected or displayed by the chief executive.

# **Part 3 Declaration of restricted access area**

## **78 Declaration of restricted access area**

- (1) The chief executive may declare all or part of a protected area to be a restricted access area by erecting or displaying a notice (a *restricted access area notice*) at the entrance to the protected area or part.

[s 79]

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- (2) However, the chief executive may act under subsection (1)—
  - (a) only for a reason mentioned in section 79; and
  - (b) if section 80 applies—only after the consultation process mentioned in section 75 is completed; and
  - (c) if section 81 or 82 (each a ***declaration consultation provision***) applies—only if the chief executive complies with the consultation requirements mentioned in the relevant declaration consultation provision.
- (3) The restricted access area 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 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.
- (4) When the notice is erected or displayed, the chief executive—
  - (a) must publish a copy of the notice on the department's website; and
  - (b) may publish the notice in other ways the chief executive considers appropriate.
- (5) 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.
- (6) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **79 Reasons for declaring restricted access area**

- (1) The chief executive may declare a protected area or a 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 secure the safety of a person or a person's property; or
  - (b) because of a fire or other natural disaster; or
  - (c) to conserve or protect the cultural or natural resources of the area or native wildlife, including, for example—
    - (i) to protect significant cultural or natural resources of the area; 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 Island custom; or
  - (d) to protect a facility or service in the 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) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.
- (3) 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.

## 80 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

[s 81]

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permit, commercial activity permit or commercial activity agreement would be significantly affected by the making of a declaration under section 78.

- (2) However, this section does not apply if the declaration is to be made—
  - (a) to secure the safety of a person or a person's property; or
  - (b) because of a fire or other 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 78;
  - (b) if the chief executive is also proposing a restrictive act for the permit or agreement for the proposed declaration—the 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.

## **81 Declarations for Aboriginal land protected areas**

- (1) This section applies if the chief executive proposes to declare all or part of an Aboriginal land protected area to be a restricted access area under section 78(1).

- (2) The chief executive must comply with the consultation requirements 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 78(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.

## **82 Declarations for particular protected areas to which indigenous land use agreements apply**

- (1) This section applies if—
  - (a) the chief executive proposes to declare all or part of a protected area, other than an Aboriginal land protected area, to be a restricted access area under section 78(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.
- (2) The chief executive must comply with the consultation requirements, if any, under the indigenous land use agreement.
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

(4) 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 78(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.

### **83 When declarations end**

- (1) A declaration made under section 78 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) remove the copy of the notice from the department's website; and
  - (b) publish notice of the removal in the same way the chief executive published the notice under section 78(4).
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

## **Part 4**

# **Declaration of prescribed commercial activity**

### **84 Declaration of prescribed commercial activity**

- (1) The chief executive may, by public notice, declare a commercial activity to be a prescribed commercial activity for a protected area or a part of a protected area.
- (2) The notice must state the following—
  - (a) that the stated commercial activity is a prescribed commercial activity for the stated protected area or the stated part of a protected area;
  - (b) that, under section 105(2), a person may conduct the prescribed commercial activity in the area or part only under a commercial activity agreement;
  - (c) how the person may obtain further information about entering into a commercial activity agreement for conducting the prescribed commercial activity in the area or part.
- (3) The chief executive must also publish the notice on the department's website.
- (4) 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 area or part;
  - (b) the management principles for the area;
  - (c) the interim or declared management intent, or management plan, for the area or part;
  - (d) the orderly and proper management of the area or part;
  - (e) the existing use and amenity, and the future or desirable use and amenity, of the area or part, and areas adjacent to the area or part, 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.

## Part 5 Declaration of special activity

### 85 Declaration of special activity

- (1) The chief executive may declare an activity to be a special activity for all or part of a protected area by erecting or displaying a notice (a *special activity notice*) at the entrance to the protected area or part.
- (2) However, the chief executive may act under subsection (1)—
  - (a) only for an activity mentioned in section 86; and
  - (b) if section 87 applies—only after the consultation process mentioned in section 87 is completed.
- (3) 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 109, 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 conducting of the activity.



## **86 Activities that may be special activities**

The chief executive may declare only 1 or more of the following activities to be a special activity for all or part of a protected area—

- (a) an activity that will, or is reasonably likely to, have an unusual or significant impact on the cultural or natural resources of the area or part;
- (b) an activity for which special 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

## **87 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 85.
- (2) However, this section does not apply if—
  - (a) the activity is declared to be a special activity for the area or part for the protection of wildlife or individuals 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 85;
  - (b) if the chief executive is also proposing a restrictive act for the permit or agreement—the restrictive act;

[s 88]

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- (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.

## **Part 6**

### **Declaration of area closed to the public**

#### **88 Declaration of area closed to the public**

- (1) The chief executive may declare a protected area or a part of a protected area to be closed to the public for a period by erecting or displaying a regulatory notice at the entrance to the protected area or part.
- (2) However, the chief executive may declare the protected area or part as closed to the public only if the chief executive reasonably believes the declaration is necessary or desirable for public health or safety.

## **Chapter 6      Offences about access to, use of and conduct in protected areas**

### **Part 1              Access to, use of and conduct in protected area generally**

#### **Division 1          Camping in protected area**

##### **89      Unlawful camping**

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

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person camping under a commercial activity permit, or a commercial activity agreement, specifically authorising the camping.
- (3) For subsection (1)(a), a person other than the holder of a camping permit is taken to be camping under the permit only if the number of persons accompanying the holder is not more than the number of persons authorised to camp under the permit.
- (4) A person must not camp in a protected area contrary to a regulatory notice applying to the area.

Maximum penalty for subsection (4)—80 penalty units.

## **90 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.

*Notes—*

- 1 For the conditions of an e-camping permit, see section 71AS(2).
- 2 For the conditions of a self-registered camping permit, see section 71AV(2).

## **91 Requirement about number of persons who may camp under permit or approval**

- (1) The holder of a camping permit for, or the written approval of 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 on the permit or approval.

Maximum penalty—20 penalty units.

- (2) For applying subsection (1) to an e-camping permit or self-registered camping permit, a reference to the number of persons stated on the permit is taken to be a reference to—
  - (a) for an e-camping permit—the number stated by the holder of the permit in the application for the permit; or
  - (b) for a self-registered camping permit—the lower of the following—
    - (i) the number stated on the camping form for the permit;
    - (ii) the number stated on the self-registration camping notice for the area as the maximum number of persons that may camp under a camping permit in the area.

## 92 Display of camping tags

- (1) A person camping under a camping permit must, immediately after the person makes camp, display in the prescribed way, the camping tag for the permit.

Maximum penalty—2 penalty units.

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

Maximum penalty—2 penalty units.

- (3) In this section—

***prescribed way***, for displaying a camping tag for a camping permit, means to display the tag 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.

## 93 Complying with direction to leave camping site for protection, safety or minimising disturbance

- (1) A conservation officer may give a person camping in a part of a protected area (the ***camping site***) an oral or written direction requiring the person, and each other person camping with the person, to immediately—

- (a) leave the camping site; and
- (b) remove all of the person's possessions and the equipment or other things being used for camping from the site.

- (2) However, the officer may give the direction only if the officer reasonably believes it is necessary for the person, and the other persons camping with the person, to leave the site to—

[s 94]

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- (a) protect cultural or natural resources of the protected area; or
    - (b) secure the safety of a person or a person's property; or
    - (c) minimise disturbance to persons in the area.
  - (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 the other persons 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 is given under subsection (1), and each other person camping with the person, must, unless the person has a reasonable excuse, comply with the direction.
- Maximum penalty for subsection (5)—50 penalty units.

## **94 Complying with direction to leave camping site for person camping at same site for long periods**

- (1) A conservation officer may give a person camping in a part of a protected area (the *camping site*) a written direction stating the person, and each person camping with the person, must—
  - (a) leave the camping site; and
  - (b) remove all of the person's possessions and the equipment or other things being used for camping from the site; and
  - (c) not return to the site for a stated period.
- (2) However, the officer may give the direction only if—
  - (a) the officer reasonably believes—
    - (i) the same, or predominantly the same, equipment or other things used for camping have occupied the site for 30 days or more and it is necessary or

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- desirable to allow the site to be used by another person who is authorised under the Act to camp at the site; or
- (ii) the natural condition of the site has been, or is being, degraded by the presence of the equipment or other things being used for camping at the site; or
  - (iii) it is necessary for the person to leave the site for health or safety reasons; and
- (b) another part of the protected area is available for the person to use for camping.
- (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 is given under subsection (1), and each person camping with the person, must comply with the direction.

Maximum penalty for subsection (5)—50 penalty units.

## **Division 2                      Conducting other activities in protected area**

### **95              Unlawfully entering restricted access area**

- (1) A person must not enter or remain in a restricted access area unless the person—
- (a) enters the area under a restricted access area permit authorising the entry; or
  - (b) enters the area under a prescribed authority specifically stating the entry is authorised; or

[s 96]

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(c) enters the area under the written approval of the chief executive; or

(d) has a reasonable excuse.

Maximum penalty—80 penalty units.

(2) For section 9, this section applies in relation to a special wildlife reserve or nature refuge, to the extent the reserve or refuge is a restricted access area.

(3) In this section—

***prescribed authority*** means—

(a) a resources permit; or

(b) an apiary permit; or

(c) an Aboriginal tradition authority; or

(d) an Island custom authority; or

(e) a stock grazing permit; or

(f) a stock mustering permit; or

(g) a permit to enter a national park (scientific); or

(h) a commercial activity permit; or

(i) an organised event permit; or

(j) a commercial activity agreement.

## **96 Failing to comply with particular regulatory notices**

A person in a protected area must comply with a regulatory notice regulating or prohibiting a public health and safety act unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

## **97 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.

## **98 Unlawfully grazing stock**

- (1) A person must not graze stock in a protected area unless the person grazes stock in the area under—
  - (a) a stock grazing permit authorising the grazing of the stock; or
  - (b) an authority granted under section 36 of the Act that authorises the grazing of the stock; or
  - (c) another Act.

Maximum penalty—165 penalty units.

- (2) A person must not graze stock in a special wildlife reserve unless the person grazes stock in the area under—
  - (a) a previous use authority granted under section 43H of the Act that authorises the grazing of stock; or
  - (b) a written permission for conducting a controlling activity given under section 48.

Maximum penalty—165 penalty units.

## **99 Unlawfully grazing other animals**

- (1) A person must not graze animals other than stock in a protected area unless the person grazes animals in the area under an authority granted under section 36 of the Act that authorises the grazing of the animals.

Maximum penalty—165 penalty units.

- (2) A person must not graze animals other than stock in a special wildlife reserve unless the person grazes animals in the reserve under an authority granted under section 43H of the Act that authorises the grazing of the animals.

Maximum penalty—165 penalty units.

## **100 Unlawfully mustering stock**

- (1) A person must not muster stock in a protected area unless the person musters stock in the area—
  - (a) under a stock mustering permit authorising the mustering of the stock; or
  - (b) on a part of the area on which the person may lawfully graze the stock under an Act.

Maximum penalty—120 penalty units.

- (2) Subsection (1) does not apply to the chief executive conducting a general muster under section 153.
- (3) Subsection (4) applies if 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.
- (4) If the holder, or a relevant person for the holder, of the permit brings a horse or dog into a protected area under the permit, the holder or relevant person must restrain the horse or dog when the holder or relevant person is not using the horse or dog to muster stock.

Maximum penalty—120 penalty units.

- (5) For section 9, this section applies in relation to a special wildlife reserve.

## **101 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 authorising the travelling of the stock; or
    - (ii) to or from land in the area on which the person may lawfully graze the stock under an Act; or

- (b) the person has otherwise lawfully brought the stock into the protected area under the Act.

Maximum penalty—120 penalty units.

- (2) For section 9, this section applies in relation to a special wildlife reserve.

## **102 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) For section 9, this section applies in relation to a special wildlife reserve.

## **103 Allowing stock to stray onto protected area**

- (1) 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 onto the protected area.

Maximum penalty—165 penalty units.

- (2) For section 9, this section applies in relation to a special wildlife reserve.

## **104 Unlawfully entering national park (scientific)**

A person must not enter or remain in a national park (scientific) unless the person enters the area under a permit to enter a national park (scientific) authorising the entry.

Maximum penalty—165 penalty units.

## **105 Unlawfully conducting commercial activity**

- (1) A person must not, in a protected area, or a part of a protected area, conduct a commercial activity unless the person is authorised to conduct the activity under—

- (a) a commercial activity permit; or
- (b) a commercial activity agreement.

Maximum penalty—165 penalty units.

- (2) If a commercial activity is a prescribed commercial activity for a protected area or a part of a protected area, a person must not conduct the activity in the area or part except under—

- (a) a commercial activity agreement; or
- (b) a commercial activity permit in force when the prescribed commercial activity is declared under section 84 and still in force when the activity is conducted.

Maximum penalty—165 penalty units.

## **106 Compliance with conservation conditions**

- (1) A person acting under a commercial activity agreement must comply with each conservation condition of the agreement.

Maximum penalty—80 penalty units.

- (2) In this section—

*conservation condition*, of a commercial activity agreement, see section 71CT(1).

## **107 Unlawfully soliciting donations or information**

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

Maximum penalty—20 penalty units.

- (2) The holder of a permit to solicit donations or information for a protected area, or part of a protected area, must not solicit donations or information in a way that causes a disturbance to other persons in the area or part.

Maximum penalty—20 penalty units.

## **108 Unlawfully conducting organised event**

- (1) A person must not conduct an organised event in a protected area, or a part of a protected area, unless the person conducts the activity—
- (a) under an organised event permit authorising the conducting of the activity; or
  - (b) under a commercial activity permit or commercial activity agreement specifically authorising the conducting of the activity.

Maximum penalty—50 penalty units.

- (2) If section 159AS(3) requires the holder of an organised event permit to pay an additional daily fee, the holder must comply with the requirement.

Maximum penalty—120 penalty units.

## **109 Unlawfully conducting special activity**

A person must not conduct a special activity for a protected area, or a part of a protected area, in the area or part unless the person conducts the activity—

- (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.

## Part 2                      Fires

### 110      Unlawful lighting of fires

- (1) A person must not light a fire, or a type of fire, in a protected area, or a part of a protected area, if lighting a 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 held by the person.

Maximum penalty—165 penalty units.

*Examples of types of fires—*

- a fire using a material other than sawn timber
  - a fire using a material other than timber provided in the protected area for making fires
- (2) A person must not light, keep or use a fire in a place in a protected area, other than—
    - (a) a barbecue or fireplace provided by the chief executive; or
    - (b) if no barbecue or fireplace is provided—a place that is more than 2m from flammable material.

Maximum penalty—165 penalty units.

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

- (i) a cultural or natural resource of the protected area;  
or
  - (ii) property, other than property owned by the person,  
in the protected area.
- (4) For section 9, this section, other than subsection (2), applies in relation to a special wildlife reserve.
- (5) In this section—  
*smoking product* see the *Tobacco and Other Smoking Products Act 1998*, section 88.

## 111 Unattended 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 if another person assumes control of the fire before the person mentioned in subsection (1) leaves the fire.
- (3) For section 9, this section applies in relation to a special wildlife reserve.

## 112 Unauthorised things relating to fires

- (1) A person must not deposit any of the following in a protected area—
  - (a) a lit cigar, cigarette, match, pipe or tobacco;
  - (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 depositing a thing mentioned in subsection (1) for—

[s 113]

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- (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 for subsection (3)—50 penalty units.

### **113 Conservation officer's powers in relation to fires**

- (1) 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, the officer may—
- (a) give the person apparently in charge of the fire an oral or written direction to put out the fire or lower its intensity to a reasonable level; or
  - (b) put out the fire.

*Example of basis for reasonable belief—*

A prevailing strong wind appears likely to carry wind-borne embers away from the fire.

- (2) The person must comply with the direction.
- Maximum penalty—165 penalty units.
- (3) For section 9, this section applies in relation to a special wildlife reserve.



## **Part 3**

# **Unauthorised structures or works**

### **114 Unauthorised structures and works**

A person must not erect or keep a structure, other than a camping structure being used under a camping permit, or carry out works in a protected area—

- (a) without the written approval of the chief executive; or
- (b) in contravention of the approval; or
- (c) if the protected area is a special wildlife reserve—
  - (i) in contravention of the conservation agreement for the reserve; or
  - (ii) in contravention of the management program, or amended management program, for the reserve.

Maximum penalty—165 penalty units.

### **115 Complying with direction to remove unauthorised structures or works**

- (1) This section applies to a structure erected or kept, or works carried out, in a protected area in contravention of section 114 if the name of the person who erected or kept the structure, or carried out the works, is known by the chief executive or a conservation officer.
- (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) The person must, unless the person has a reasonable excuse, comply with the direction.

Maximum penalty—

- (a) for a direction given under subsection (2)(a)—80 penalty units; or
  - (b) for a direction given under subsection (2)(b)—165 penalty units.
- (4) It is not a reasonable excuse for subsection (3) that the person is required to, and does not, hold a licence, permit or other authority under an Act to remove the structure or works, or stabilise or rehabilitate the works, unless—
- (a) the person has made a reasonable attempt at obtaining the licence, permit or authority; and
  - (b) has been unsuccessful in obtaining the licence, permit or authority.
- (5) For section 9, this section applies in relation to a special wildlife reserve.

## **Part 4                      Using recreational craft,                                  aircraft, vehicles or boats**

### **116      Unauthorised use of recreational craft generally**

A person must not use or operate a recreational craft in a protected area or a part of a protected area unless the person is using or operating the craft under a permit to use recreational craft authorising the use.

Maximum penalty—80 penalty units.

## 117 Unauthorised flying of aircraft or recreational craft

- (1) A person must not fly an aircraft or recreational craft of a type stated in schedule 7, column 2 over a protected area, or the part of a protected area, stated opposite the aircraft or craft in schedule 7, column 1 at a height less than the minimum height stated opposite the aircraft or craft in schedule 7, column 3.

Maximum penalty—120 penalty units.

- (2) This section does not apply to a person flying aircraft or recreational craft over a protected area, or a part of a protected area, if the flying is authorised by the written approval of the chief executive.

## 118 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, recreational craft or type of aircraft or recreational craft; or
- (b) has been authorised by the written approval of the chief executive; or
- (c) is part of an emergency response.

*Examples of an aircraft landing that is part of an emergency response—*

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

Maximum penalty—120 penalty units.

- (2) In this section—

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

- (a) designated by the chief executive as an appropriate landing area for the aircraft, recreational craft or type; and

- (b) details of which are published on the department's website.

## **119 Traffic control for vehicles, boats and recreational craft**

- (1) The chief executive may erect 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, including, for example—
  - (a) by imposing a speed limit; or
  - (b) by marking a pedestrian crossing; or
  - (c) stating a part of a place where the use, or a particular use, of the vehicle, boat, recreational craft or the type of vehicle, boat or recreational craft is prohibited or restricted; or
  - (d) stating a part of a place where—
    - (i) only authorised persons may use a vehicle, boat or recreational craft; or
    - (ii) only an authorised vehicle, boat or recreational craft may be used.
- (2) An official traffic sign installed in a protected area under the *Transport Operations (Road Use Management) Act 1995* is taken to be a sign erected under subsection (1).
- (3) A person in control of a vehicle, boat or recreational craft in the protected area must comply with the sign or marking.

Maximum penalty—20 penalty units.

- (4) For subsection (3), 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.
- (5) An authorised person using a vehicle in a place where, because of a sign erected under subsection (1), only authorised persons may use vehicles must comply with the authorisation.

Maximum penalty—20 penalty units.

- (6) A person in control of an authorised vehicle in a place where, because of a sign erected under subsection (1), only authorised vehicles may be used must comply with the authorisation.

Maximum penalty—20 penalty units.

- (7) 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.

## 120 Licensing requirement for vehicles and boats

- (1) A person must not, in a protected area, drive or ride a vehicle or boat for which the person is required, under an Act, to hold a licence to drive or ride the vehicle or boat unless the person holds the licence.

Maximum penalty—20 penalty units.

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

Maximum penalty—20 penalty units.

## 121 Registration requirement for vehicles

- (1) A person must not, in a protected area, drive or ride a vehicle that is required, under a Registration Act, to be registered unless the vehicle is registered.

Maximum penalty—20 penalty units.

- (2) In this section—

***registered***, in relation to a vehicle, means the vehicle may, under a Registration Act, be lawfully used on a road.

***Registration Act*** means—

[s 122]

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- (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*.

## **122 Approval requirement for conditionally registered vehicles**

- (1) A person must not, in a protected area, drive or ride a conditionally registered vehicle unless the person has the written approval of the chief executive.

Maximum penalty—20 penalty units.

- (2) The chief executive may give an approval under subsection (1) only if the vehicle is to be used—
  - (a) for a commercial purpose authorised under a licence, permit or other authority or a commercial activity agreement; or

*Examples of using a vehicle for a commercial purpose—*

- using a vehicle to conduct a commercial activity under a commercial activity permit or commercial activity agreement
- using a vehicle to muster stock under a stock mustering permit

- (b) to provide a service to users of the area; or

*Examples of using a vehicle for providing services to users of a protected area—*

- using a vehicle to provide a mechanical or vehicle towing service to a visitor in a national park
- using a vehicle for carrying out maintenance on a privately owned facility in a national park

- (c) to conduct an activity under an organised event permit; or
- (d) for the management of the area; or

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*Example of using a vehicle for the management of a protected area—*

using a vehicle for carrying out works, spraying weeds or controlling animals for the chief executive

- (e) to carry out an emergency or rescue activity; or
- (f) to enforce a law of the State; or
- (g) for the sole purpose of going directly through the area to or from a parcel of land outside the area if—
  - (i) the person owns or occupies the land or is authorised by the owner or occupier of the land to enter the land; and
  - (ii) the chief executive considers the most direct and reasonable route to or from the land is through the area.

*Example—*

A person would be using a vehicle for the sole purpose of going directly through a protected area if the person were using the vehicle only to go through the area and not for another purpose, such as recreation, during the journey.

- (3) Also, the chief executive may give an approval under subsection (1) if the chief executive reasonably believes the person who is to drive or ride the conditionally registered vehicle is suffering from a condition that—
  - (a) is not temporary; and
  - (b) significantly restricts the person's mobility.
- (4) However, the chief executive must not give an approval for the use of a conditionally registered vehicle in a protected area under subsection (2)(a), (b), (c) or (g) or (3) if the chief executive considers the use of the conditionally registered vehicle 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.
- (5) For subsection (3), 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.
- (6) In this section—  
*conditionally registered vehicle* means a conditionally registered vehicle under the *Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021*.

## **123 Safe use of vehicles by reference to transport legislation**

- (1) If a person, while in a protected area, does an act or makes an omission that, if done or made on a road, would contravene any of the following provisions of the Queensland Road Rules, the person commits an offence against this subsection—
  - (a) section 256(1);
  - (b) section 264;
  - (c) section 264A;
  - (d) section 265;
  - (e) section 268;
  - (f) section 270;
  - (g) section 271(4) or (5).Maximum penalty—20 penalty units.
- (2) If a person, while in a protected area, does an act or makes an 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*, the person commits an offence against this subsection—
  - (a) section 83(1), in the circumstances mentioned in paragraph (c) of the penalty for that section;



(b) section 84.

Maximum penalty—20 penalty units.

## **124 Safe use of vehicles—other requirements**

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

Maximum penalty—20 penalty units.

- (2) A person in a protected area must not carry a passenger, or travel as a passenger, on a quad bike or motorised trike other than on a seat designed to carry a passenger.

Maximum penalty—20 penalty units.

- (3) In this section—

*motorised trike* means a motorbike within the meaning of the *Transport Operations (Road Use Management) Act 1995*, schedule 4, definition *motorbike*, paragraph (b).

*quad bike* see the Queensland Road Rules, schedule 5.

## **125 Safe use of boats and recreational craft**

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.

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

- (1) If a conservation officer reasonably believes it is necessary, the officer may give the person in control of a vehicle, boat,

[s 127]

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aircraft or recreational craft in a protected area an oral or written direction regulating or prohibiting the driving, riding, flying, parking, mooring or use of it in the area.

- (2) The direction may also be given in a way that sufficiently shows the officer's intention.

*Example—*

by use of a sign or signal

- (3) The directions the officer may give include directions for all or any of the following—
- (a) preventing or remedying any harm to, 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.
- (4) Without limiting subsection (3), a direction may require the person in control of a vehicle, boat, aircraft or recreational craft to remove it from the area.
- (5) A person must comply with a direction given under this section unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (6) It is not a reasonable excuse for subsection (5) that the person holds a protected area authority that is inconsistent with the direction.

## **127 Other requirements about using vehicle, boat 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) drive, ride or attempt to drive or ride a vehicle other than—
  - (i) on a road; or
  - (ii) along a route or surface that a regulatory notice states is a route or surface along which a vehicle of that type may be driven or ridden; or
- (d) 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) Subsection (1)(c) does not apply to an act done under a licence, permit or other authority granted under the Act.

## **Part 5                      Animals and plants**

### **128      Unauthorised feeding of animals**

- (1) A person, other than an authorised person, in a protected area must not, without the written approval of the chief executive, feed an animal that is dangerous, venomous or capable of injuring a person.

Maximum penalty—

- (a) if the animal is a dingo and the offence is committed on K’gari—165 penalty units; or
  - (b) if the animal is an estuarine crocodile—165 penalty units; or
  - (c) otherwise—40 penalty units.
- (2) A person, other than an authorised person, in a protected area must not, without the written approval of the chief executive, feed an animal if a regulatory notice prohibits the feeding of the animal.

Maximum penalty—

- (a) if the animal is a dingo and the offence is committed on K'gari—165 penalty units; or
  - (b) if the animal is an estuarine crocodile—165 penalty units; or
  - (c) otherwise—40 penalty units.
- (3) However, a person may, without the written approval of the chief executive, feed an animal lawfully taken into the protected area under the Act.
- (4) For section 9, this section applies in relation to a special wildlife reserve.
- (5) Also, for sections 9 and 9A, subsection (1) applies in relation to a nature refuge or private land in a coordinated conservation area.
- (6) In this section—
- feed*, in relation to an animal, includes—
- (a) use food to tease or lure the animal; and
  - (b) attempt to feed the animal.

## **129 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) In this section—
- food* does not include food—

- (a) at the time it is being consumed by a person or prepared for human consumption; or
- (b) lawfully deposited or disposed of under the Act; or
- (c) given to an animal lawfully taken into a protected area under the Act.

### 130 Unauthorised disturbance of animals

- (1) A person, other than an authorised person, in a protected area must not disturb an animal if—
  - (a) it is dangerous, venomous or capable of injuring a person; or
  - (b) a regulatory notice prohibits the disturbance of the animal.

Maximum penalty—

- (a) if the animal is a dingo and the offence is committed on K’gari—165 penalty units; or
  - (b) if the animal is an estuarine crocodile—165 penalty units; or
  - (c) otherwise—40 penalty units.
- (2) This section 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 have been reasonably avoided.
- (3) For sections 9 and 9A, subsection (1)(a) applies in relation to a special wildlife reserve, nature refuge or private land in a coordinated conservation area.
- (4) In this section—  
***disturb***, an animal, includes—

- (a) to approach, harass, harm, lure, pursue, tease or touch the animal; and
- (b) to attempt to disturb the animal.

### **131 Restriction on animals in protected area**

- (1) A person must not, without the written approval of the chief executive—

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

Maximum penalty—20 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
- (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
- (f) an animal brought into, or kept in, a special wildlife reserve under the management program for the reserve.
- (3) For section 9, this section applies in relation to a special wildlife reserve.

## **132 Bringing dogs into or keeping dogs in protected area**

- (1) A person in charge of a dog in a protected area must ensure the dog is under control in the protected area.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to a person in charge of a dog in a protected area if—
  - (a) the person conducts an activity in the protected area under an authority under an Act; and
  - (b) the dog is being used to help conduct the activity under the authority.

*Example—*

The holder of a stock grazing permit for the area is using a dog to muster stock being grazed on the area.

- (3) A person in charge of a dog in a protected area must, if the dog defecates in the area—
  - (a) immediately collect any faeces deposited by the dog and enclose them in a secure bag or wrapping; and
  - (b) deposit the enclosed faeces—
    - (i) in a bin identified by the chief executive as appropriate for that purpose; or
    - (ii) if no bin in the protected area has been identified by the chief executive—in, on or at a place outside the area.

Maximum penalty—20 penalty units.

(4) 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 transported in an enclosed vehicle, carry cage or other suitable closed container; or
- (d) the dog is being transported on the tray of a vehicle and is securely tethered so as to be confined to the tray.

### **133 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—40 penalty units.

- (3) For section 9, this section applies in relation to a special wildlife reserve.



## **134 Unlawfully bringing plants into protected area**

- (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 protected 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 that no part of the plant is spread or released into the protected area, including, for example, by keeping the plant—
- (a) in a cabin of the vehicle or boat; or
  - (b) covered at all times.

## **Part 6 Pollution and waste**

### **135 Polluting dams, lakes or watercourses**

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

Maximum penalty—50 penalty units.

[s 136]

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- (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.
- (3) For section 9, this section applies in relation to a special wildlife reserve.

## **136 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—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) For section 9, this section applies in relation to a special wildlife reserve.

### **137 Unlawful use of offensive and harmful substances**

- (1) A person must not, without the written approval of the chief executive, use a herbicide or pesticide in a protected area.  
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 under subsection (1) or (2) if doing the act is authorised under the management program for a special wildlife reserve.
- (4) For section 9, this section applies in relation to a special wildlife reserve.

### **138 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) For section 9, this section applies in relation to a special wildlife reserve.

### **139 Dumping or abandoning recreational craft, aircraft vehicles or boats**

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

Maximum penalty—120 penalty units.

### **140 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 in a protected area must not—
- (a) defecate, other than in a facility provided by the chief executive for the purpose, within the prescribed minimum distance of a lake, watercourse or walking track in the area; or
  - (b) bury human waste, other than in a facility provided by the chief executive for the purpose, within the prescribed minimum distance of any of the following—
    - (i) a lake or watercourse in the area;
    - (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) In this section—

*prescribed minimum distance*, in relation to a protected area, means 10m or, if a regulatory notice erected or displayed at the entrance to the area states a longer minimum distance, the longer minimum distance.

## **141 Depositing litter brought into protected area**

- (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.

Maximum penalty—20 penalty units.

*Example of reasonable excuse—*

The person has been collecting litter from public land adjacent to the protected area and brings the litter into the protected area to deposit it in a litter bin.

## **142 Depositing other litter**

- (1) This section applies to litter other than litter brought into the 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—20 penalty units.

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

Maximum penalty—20 penalty units.

## **143 Complying with direction about litter**

- (1) If a conservation officer reasonably considers it necessary or desirable, the 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 for subsection (2)—20 penalty units.

## **Part 7                      Other conduct in protected area**

### **144      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.

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

- (a) an unloaded spear gun if—
  - (i) the gun is to be used in an area adjoining the area; and
  - (ii) the use of the gun in the adjoining area is not prohibited under an Act; or

- (b) a rigged fishing rod to be used in a prescribed national park or another protected area in which fishing is permitted under the Act; or
  - (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; or
  - (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; or
  - (e) an appliance securely stored in or on a vehicle or boat at all times while it is in the area.
- (3) Without limiting subsection (2)(e), an appliance is securely stored in or on a vehicle or boat if it is kept in a place in or on the vehicle or boat where it is not easily accessible and is out of sight.
- (4) In this section—
- possess*, in relation to an appliance, means to have control over the appliance.

#### **145 Use of generator, compressor etc. in particular area of protected area**

- (1) A person must not, in a protected area, use a generator, compressor or similar machine unless its use is authorised under—
- (a) the written approval of the chief executive; or
  - (b) a regulatory notice erected or displayed in or near the area; or
- 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 person's medical condition; and

- (b) the generator does not emit a noise of more than 65dB(A) when measured 7m from the generator.
- (3) In this section—  
***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.

## 146 Disturbance by amplified sound

A person in a protected area must not use a sound amplifying system, including, for example, a radio, in a way that unreasonably disturbs someone else or an animal in the area.

Maximum penalty—50 penalty units.

## 147 General misconduct

- (1) A person in a protected area must not, without a reasonable excuse—
  - (a) be disorderly or unreasonably disturb someone else 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, in a protected area, restrict access to a part of the area or a barbecue, table or other facility in the area unless the person—
  - (a) has the written approval of the chief executive; or
  - (b) has a reasonable excuse.

Maximum penalty—50 penalty units.



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*Examples of restricting access—*

cordoning off, claiming to have an exclusive right to use

- (4) Subsection (3) does not apply to a person who restricts the access mentioned in subsection (3) under a permit or commercial activity agreement authorising the person to restrict the access.

## **148 Conduct in parts of protected area where 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 in or 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 carry out another activity that the person is authorised to carry out in the protected area.

*Example for subsection (4)—*

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

## **149 Tampering with camping tags**

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

Maximum penalty—20 penalty units.

- (2) In this section—

***tamper with***, a camping tag, means—

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

## **150 Tampering with structures and other things in protected area**

- (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) In this section—

***tamper with***, a building, fence, gate or other structure or a notice or sign, includes—

- (a) deface, damage, destroy or mark the building, fence, gate or other structure or the notice or sign; or
- (b) remove the building, fence, gate or other structure or the notice or sign.

## **151 Complying with direction to leave for unlawful activities**

- (1) Subsection (2) applies if, in a protected area, a conservation officer—

- (a) finds a person committing, or about to commit, an offence against the Act; or

- (b) finds a person in circumstances that lead the officer to reasonably suspect the person has committed an offence against the Act; or
  - (c) has information that leads the officer to reasonably suspect a person has committed an offence against the Act.
- (2) The conservation officer may direct the person to immediately leave the protected area or a stated part of it 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) prevent another offence from being committed.
- (3) When giving a direction under subsection (2), the officer must warn the person it is an offence to fail to comply with the direction.
- (4) The person must comply with the direction and not re-enter the area or part within 24 hours after leaving it.

Maximum penalty—80 penalty units.

- (5) If a person fails to comply with a direction given under this section, a conservation officer may take steps that appear to the officer to be reasonable and necessary to secure compliance with the direction, including, for example—
- (a) using reasonable force; and
  - (b) removing the person's property to a place inside or outside the protected area.

## **152 Complying with direction to leave for dangerous circumstances or emergency or rescue activity**

- (1) If a conservation officer reasonably believes circumstances exist that are a danger to a person, or the person's property, in a protected area, the officer may direct the person to leave the area, or the part of the area, where the danger exists.

- (2) If a conservation officer reasonably believes the presence of a person in a protected area may interfere with an emergency or rescue activity, the officer may direct the person to leave the area, or the part of the area, where the emergency or rescue activity is taking place.
- (3) When giving a direction under subsection (1) or (2), the officer must warn the person it is an offence to fail to comply with the direction.
- (4) A person must comply with a direction given under this section and not re-enter the area until the person becomes aware that the conservation officer, or another conservation officer, is satisfied the reason for giving the direction no longer exists.

Maximum penalty—80 penalty units.

*Example of how person may become aware for subsection (4)—*

The chief executive makes a public announcement that persons may re-enter the area.

- (5) If a person fails to comply with a direction given under this section, a conservation officer may take reasonable steps to secure compliance with the direction, including, for example—
  - (a) using reasonable force; and
  - (b) removing the person's property to a place inside or outside the protected area.

## Chapter 7      Miscellaneous

### Part 1                      Other authorised activities in protected areas

#### 153      Conducting general muster

- (1) This section applies if the chief executive reasonably believes it is necessary to muster stock on a protected area for the management of the area.
- (2) The chief executive may conduct a general muster of the stock.
- (3) However, the chief executive must give each relevant landholder for the area a notice stating the chief executive intends to conduct the muster on a stated day.
- (4) The notice must be given at least 5 business days before the stated day.
- (5) A relevant landholder for the protected area may be present at and take part in the muster.
- (6) 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.

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

#### 154      Permitted dog-walking

- (1) The chief executive may erect or place a regulatory notice at the entrance to a conservation park or resources reserve stating that dog-walking is permitted in the park or reserve.

[s 155]

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- (2) However, the chief executive may erect or place 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.

## Part 2 Approvals

### 155 Approvals generally not transferable

- (1) To remove any doubt, it is declared that a written approval of the chief executive given under this regulation is not transferable.
- (2) Subsection (1) does not apply to a written approval given to the other party to a commercial activity agreement.
- (3) For section 9, this section applies in relation to a special wildlife reserve or nature refuge.

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## Chapter 8A Fees

### Part 1 Fees payable

#### 159AL 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.
- (3) For section 9, this chapter, other than sections 159AO to 159AT, applies in relation to a special wildlife reserve or nature refuge.

*Notes—*

- 1 See section 30 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.

#### 159AM Fees generally

- (1) Subject to another provision of this chapter, the fees payable under the Act are stated in schedule 7A.
- (2) Subsections (3) to (5) apply for interpreting the fee payable for a least concern plant mentioned in schedule 7A.
- (3) A reference to a category of least concern plants in schedule 7B, part 1 is a reference to plants of the category stated opposite the plants in schedule 7B, part 1, column 2.
- (4) A reference to a category of least concern plants in schedule 7B, part 2 is a reference to plants of the category stated opposite the plants in schedule 7B, part 2, column 2.

[s 159AN]

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- (5) A reference to a species of plant in schedule 7B is a reference to only the plants within the species that are least concern plants.

*Note—*

See also section 12C in relation to references to the classes and scientific names of plants.

### **159AN Proceedings for 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 unpaid fee; or
  - (b) the person has been convicted of an offence relating to the unpaid fee.
- (3) To remove any doubt, it is declared that the unpaid fee is a debt due to the State.

### **159AO Reduced application fee for commercial activity permits, organised event permits or commercial activity 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 forest reserve that was, immediately before its dedication as a forest reserve, a State forest under the *Forestry Act 1959*;
    - (ii) a recreation area under the *Recreation Areas Management Act 2006*;



- (iii) 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 forest reserve, 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, including, for example, because the chief executive has not started considering the related application.

*Example—*

A person applies for a commercial activity permit for conducting a commercial tour in the Cooloola Section within the Great Sandy National Park and the Fraser Island Recreation Area.

The day before the application was made, the person applied, under the *Recreation Areas Management Act 2006*, for a commercial activity permit for conducting the tour in the Fraser Island Recreation Area.

- (2) The chief executive may waive all or part of the fee stated in schedule 7A for the NCA application if the holder has paid an application fee (however called) for the related application.
- (3) However, if the fee for the NCA application is higher than the application fee paid for the related application, the chief executive may waive only an amount equivalent to the application fee paid for the related application.

### **159AP Reduced permit fee for commercial activity permits if equivalent fee paid under another Act**

- (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 159AO; and
  - (b) the applicant has paid another fee that is a permit fee (however called) for an authority mentioned in section 159AO(1)(b) (the *equivalent fee*).
- (2) The chief executive must also waive—

[s 159AQ]

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- (a) if the equivalent fee is the same as or higher than the permit fee stated in schedule 7A for the commercial activity permit—all of the permit fee; or
- (b) if the equivalent fee is lower than the permit fee stated in schedule 7A for the commercial activity permit—the part of the permit fee that is equivalent to the amount of the equivalent fee.

**159AQ Reduced application fee for transfer of particular joint marine park authority permits if equivalent fee paid under another Act**

- (1) This section applies to an application to transfer a joint marine park authority permit under chapter 4A, part 6 (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 all or part of the fee stated in schedule 7A for the transfer application.
- (3) However, if the fee for the transfer application is higher than the application fee paid for the related application, the chief executive may waive only an amount equivalent to the application fee paid for the related application.

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**159AR Reduced additional daily fee for commercial activity or organised event permits if equivalent fee paid under another Act**

- (1) This section applies if—
- (a) the holder of a commercial activity permit, other than for filming or photography, or of an organised event permit (the *NCA permit*), or a relevant person for the holder, conducts the activity authorised under the permit in the protected area to which the permit applies and 1 or more of the following areas—
    - (i) a forest reserve that was, immediately before its dedication as a forest reserve, a State forest under the *Forestry Act 1959*;
    - (ii) a recreation area under the *Recreation Areas Management Act 2006*;
    - (iii) a State forest under the *Forestry Act 1959*; and
  - (b) the activity is conducted for the same clients in the forest reserve, recreation area or State forest under an equivalent permit (however called) under another 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 reduced by the amount of the daily fee paid for conducting the activity under the equivalent permit.
- (3) To remove any doubt, it is declared that a reduction under subsection (2) may result in the additional daily fee payable under the Act being nil.

*Example—*

The holder of a commercial activity permit conducts a commercial tour lasting more than 3 hours for 10 clients in the Glass House Mountains National Park and Bribie Island Recreation Area. The holder has paid a daily fee equivalent to 3.80 fee units for each client under the

[s 159AS]

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*Recreation Areas Management Act 2006* for conducting the tour in the recreation area under a commercial activity permit under that Act.

The additional daily fee payable under the Act for conducting the commercial tour in the national park under the commercial activity permit is nil, being the additional daily fee stated in schedule 7A for conducting the tour (3.80 fee units for each client) reduced by the daily fee paid under the *Recreation Areas Management Act 2006* for conducting the tour in the Bribie Island Recreation Area under a commercial activity permit under that Act (also 3.80 fee units for each client).

- (4) In this section—

*daily fee* does not include a fee payable for camping overnight.

### **159AS When particular fees payable**

- (1) The holder of a stock grazing permit must pay the fee payable for the permit on each anniversary of the first day of the term of the permit.
- (2) The holder of a commercial activity permit, other than for filming or photography, must pay the additional daily fee and camping fee for the permit within the period in which the fees must be paid stated in an invoice given to the holder by the chief executive under section 67(2).

*Note—*

Failure to pay the fees payable under the Act is an offence under section 67(4).

- (3) The holder of an organised event permit for which special access is to be allowed, special supervision is needed, or an area is to be reserved for use, for an activity carried out under the permit, must pay the additional daily fee for the permit within 20 business days after the day the activity is carried out.

*Note—*

Failure to pay the additional daily fee is an offence under section 108(2).

## Part 2 Fee exemptions

### Division 1 Exemption for particular persons

#### 159AT 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) a claim to, or a management statement or management plan for, the national park under the *Aboriginal Land Act 1991*; or
  - (b) a claim to the national park under the *Torres Strait Islander Land Act 1991*.

- (2) In this section—

***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.

### Division 2 Applications for exemptions

#### 159AU Application for exemption of fee

- (1) A person may apply to the chief executive for an exemption (a ***fee exemption application***) from the payment of a fee for a protected area authority.
- (2) The fee exemption application must—
  - (a) be in writing; and
  - (b) include details about the contribution the activities to be carried out under the protected area authority will make to—
    - (i) the conservation of nature generally; or

[s 159AV]

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- (ii) the conservation or presentation of the cultural or natural resources of the protected area to which the authority applies, or another protected area; or
  - (iii) the management of the protected area to which the authority applies or to another protected area; and
- (c) be made before or when the application for the protected area authority is made.

### **159AV Deciding fee exemption application**

- (1) The chief executive must consider each fee exemption application and either—
  - (a) grant the exemption, with or without conditions; or
  - (b) refuse the application.
- (2) However, the chief executive may grant the exemption only if the chief executive is satisfied—
  - (a) the activities to be carried out under the protected area authority for which the application is made 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 the protected area to which the authority applies or to another protected area; or
    - (iii) the management of the protected area to which the authority applies or to another protected area; and
  - (b) any commercial or recreational aspect of the activities is not the primary purpose for carrying out the activities.

### **159AW 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.

*Example of a condition that may be imposed—*

The exemption from payment of a fee for a protected area authority is granted on the condition that the activities carried out under the protected area authority are carried out for a stated purpose that is consistent with the object of the Act.

### **159AX 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 a notice stating—

- (a) the decision; and
- (b) the reasons for the decision.

### **159AY 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) The applicant is not required to pay the fee 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 3 Other provisions about fees**

### **159AZ 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 71BN(e), (f), (g) or (h); or
  - (c) surrendered under section 71CJ.
- (2) The chief executive may refund all or part of a fee paid for the permit if the chief executive considers the refund is appropriate having regard to—
- (a) the nature of the amendment, suspension, cancellation or surrender; and
  - (b) any other relevant matter.
- (3) The chief executive may refund the fee in the way the chief executive considers appropriate.

*Examples of ways chief executive may refund fee—*

- by giving the person a cheque for the amount refunded
  - by deducting the amount refunded from another fee the person is required to pay under the Act
- (4) If a person applies to the chief executive for a refund under this section, 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      Transitional provisions for Nature Conservation (Protected Areas Management) Regulation 2017

### 160      Definitions for chapter

In this chapter—

*corresponding provision*, for an expired provision, means a provision of this regulation that is substantially the same as or equivalent to the expired provision.

*expired*, in relation to a provision of the expired *Nature Conservation (Protected Areas Management) Regulation 2006*, means the provision as in force immediately before the commencement.

### 161      Controlling activity

- (1) This section applies to a written permission to conduct a controlling activity given under expired section 46 that would, if expired section 46 had not expired, be in force on the commencement.
- (2) The permission continues in force under section 48 and is subject to the same conditions imposed under expired section 46 on the permission.

### 162      Regulatory notice

- (1) This section applies to a regulatory notice erected or displayed under expired section 70 that had not been removed by the chief executive before the commencement.
- (2) The regulatory notice is taken to be a regulatory notice erected or displayed under section 73(2).

**163 Consultation requirements in relation to regulatory notice**

- (1) Subsection (2) applies if, under expired section 70A, the chief executive had not, before the commencement, completed all actions in relation to complying with the consultation requirements under the indigenous management agreement for a protected area.
- (2) The chief executive may complete the actions under section 74.
- (3) Subsection (4) applies if, under expired section 70B, the chief executive had not, before the commencement, completed all actions in relation to complying with the consultation requirements under the indigenous land use agreement for a protected area.
- (4) The chief executive may complete the actions under section 75.

**164 Regulatory information notice**

- (1) This section applies to a regulatory information notice erected or displayed under expired section 71 that the chief executive had not removed before the commencement.
- (2) The regulatory information notice is taken to be a regulatory information notice erected or displayed under section 76(2).

**165 Declaration of restricted access area**

- (1) This section applies to an area declared to be a restricted access area under expired section 73 if the declaration was in force immediately before the commencement.
- (2) The area is taken to be a restricted access area declared under section 78.

**166 Consultation requirements in relation to declarations of existing access area**

- (1) Subsection (2) applies if, under expired section 75A, the chief executive had not, before the commencement, completed all actions in relation to complying with the consultation requirements under the indigenous management agreement for an Aboriginal land protected area.
- (2) The chief executive may complete the actions under section 81.
- (3) Subsection (4) applies if, under expired section 75B, the chief executive had not, before the commencement, completed all actions in relation to complying with the consultation requirements under the indigenous land use agreement for a protected area.
- (4) The chief executive may complete the actions under section 82.

**167 Declaration of prescribed commercial activity**

- (1) This section applies to a commercial activity declared to be a prescribed commercial activity for all or part of a protected area under expired section 77 if the declaration was in force immediately before the commencement.
- (2) The activity is taken to be a prescribed commercial activity declared under section 84.

**168 Declaration of special activity**

- (1) This section applies to an activity declared to be a special activity for all or part of a protected area under expired section 78 if the declaration was in force immediately before the commencement.
- (2) The activity is taken to be a special activity declared under section 85.

## **169 Declaration of area closed to public**

- (1) This section applies to a protected area or part of a protected area declared, under expired section 81, to be an area closed to the public for a period if the declaration was in force immediately before the commencement.
- (2) The area or part is taken to be declared under section 88 to be closed to the public for the period.

## **170 Chief executive's written approval**

- (1) This section applies to a written approval given under an expired provision that would, if the expired provision had not expired, be in force on the commencement.
- (2) The approval continues in force under the corresponding provision for the expired provision.

## **171 Directions**

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

## **172 References to expired regulation**

- (1) In a document, a reference to the expired *Nature Conservation (Protected Area Management) Regulation 2006* may, if the context permits, be taken to be a reference to this regulation.
- (2) Subsection (1) does not limit the application of the *Acts Interpretation Act 1954*, section 14H.

## Chapter 10 Transitional provisions for Nature Conservation (Protected Areas Management) and Other Legislation Amendment Regulation 2020

### Part 1 Preliminary

#### 173 Application of chapter

For section 9, this chapter applies in relation to a special wildlife reserve or nature refuge to the extent a provision to which this chapter refers applies to a special wildlife reserve or nature refuge.

#### 174 Definitions for chapter

In this chapter—

*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 175(1).

*former commercial activity agreement* means a commercial activity agreement mentioned in the repealed administration regulation, section 83.

*relevant activity authority* means a permit mentioned in the repealed administration regulation, section 10.

*relevant resources authority* means a permit or authority mentioned in the repealed administration regulation, section 9.

*repealed administration regulation* means the repealed *Nature Conservation (Administration) Regulation 2017*.

*repealed provision* means a provision of a repealed administration regulation as in force from time to time before the commencement.

## Part 2 Existing authorities and agreements for protected areas

### 175 Existing authorities and agreements continued

- (1) This section applies in relation to the following authorities or agreements in effect immediately before the commencement (each an *existing authority*)—
  - (a) a relevant activity authority granted by the chief executive;
  - (b) a relevant resources authority granted by the chief executive;
  - (c) a former commercial activity agreement entered into by the chief executive.
- (2) Each relevant activity authority and relevant resources authority is—
  - (a) taken to be granted under the corresponding provision for the repealed provision under which the authority was granted; and
  - (b) continued in effect under this regulation for the same protected area and term for which the authority was granted.
- (3) Each former commercial activity agreement is—
  - (a) taken to be entered into under the corresponding provision for the repealed provision under which the agreement was entered into; and
  - (b) continued in effect under this regulation for the same protected area and term for which the agreement was entered into.

- (4) The existing authority is subject to any conditions or other restrictions applying to the authority immediately before the commencement.
- (5) Subsections (2) to (4) do not prevent the existing authority being amended, surrendered or cancelled under this regulation.

## **176 Existing amendments or suspensions continued**

- (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.

## **177 Existing fee exemptions continued**

- (1) This section applies if—
  - (a) before the commencement, the chief executive granted an exemption under the repealed administration regulation, section 166; and
  - (b) immediately before the commencement, the exemption was in effect.
- (2) The exemption continues in effect as if it were granted under section 159AV.
- (3) The exemption is subject to the same conditions, if any, imposed by the chief executive under the repealed administration regulation, section 166.

## Part 3 Existing applications and notifications

### 178 Undecided applications for grant of authorities

- (1) This section applies if—
  - (a) before the commencement, a person applied (the *existing application*) for the grant of a relevant activity authority or relevant resources authority for a protected area under a repealed provision; and
  - (b) immediately before the commencement, the application had not been decided.
- (2) The existing application is taken to be an application of the same kind under the corresponding provision for the repealed provision.
- (3) No fee is payable for the application under this regulation if all fees for the existing application payable under the repealed administration regulation were paid before the commencement.

### 179 Other undecided applications for existing authorities

- (1) This section applies in relation to each of the following types of applications (each an *existing application*) made before the commencement—
  - (a) an application for the renewal of an existing authority under a repealed provision;
  - (b) an application for the amendment of an existing authority under a repealed provision;
  - (c) an application for the transfer of an existing authority under the repealed administration regulation, part 2, division 7;
  - (d) an application for a fee exemption under the repealed administration regulation, part 8, division 3.



- (2) If, immediately before the commencement, the existing application had not been decided, it is taken to be an application of the same kind under the corresponding provision for the repealed provision.
- (3) No fee is payable for the application under this regulation if all fees for the existing application payable under the repealed administration regulation were paid before the commencement.

## **180 Undecided applications or entitlements for internal or external review**

- (1) This section applies if—
  - (a) before the commencement—
    - (i) a person applied (the *existing application*) for an internal or external review, under a repealed provision, of a reviewable decision relating to an existing authority under a repealed provision; or
    - (ii) a person was entitled to apply for a review mentioned in subparagraph (i) (the *existing entitlement*); and
  - (b) immediately before the commencement—
    - (i) the existing application had not been decided; or
    - (ii) the period in which the person was entitled to apply for the review had not ended.
- (2) Chapter 8B, part 1 applies in relation to the person as if—
  - (a) the reviewable decision—
    - (i) were an original decision or internal review decision within the meaning of section 159BB; and
    - (ii) had been made under the corresponding provision for the repealed provision under which the reviewable decision was made; and
  - (b) for an existing application—the application had been made under that chapter; and

- (c) for an existing entitlement—the person were entitled to apply for a review of the same kind under that chapter.
- (3) If a stay of the reviewable decision was granted under a repealed provision, the stay is taken to continue in effect under the corresponding provision for the repealed provision.
- (4) In this section—  
*reviewable decision* has the meaning given under the repealed administration regulation.

## **181 Incomplete processes for former commercial activity agreements**

- (1) This section applies in relation to any of the following processes started, but not completed, before the commencement—
  - (a) an expression of interest process for entering into a former commercial activity agreement under the repealed administration regulation, part 3, division 2;
  - (b) an application process for entering into a former commercial activity agreement under the repealed administration regulation, part 3, division 3;
  - (c) another process for entering into a former commercial activity agreement under the repealed administration regulation, section 83.
- (2) The process is taken to have started under the corresponding provision for the repealed provision mentioned in subsection (1).
- (3) 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.

## **182 Existing invitations, requests, notices and notifications**

- (1) This section applies if—

- (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.
- (3) However, this section does not apply in relation to a matter mentioned in part 2 or 3.

## Part 4 Other matters

### 183 Continuation of former s 168A

- (1) The repealed administration regulation, section 168A continues to have effect until 30 September 2020.

*Note—*

Before the commencement, the Minister, by gazette notice, fixed 30 September 2020 for the repealed administration regulation, section 168A(1)(b)(ii).

- (2) From the commencement, the section is taken to apply to an additional daily fee that becomes payable under the Act by—
- (a) the holder of a relevant activity authority to whom the section applied before the commencement; and
  - (b) the holder of a commercial activity permit, other than for filming or photography, under this regulation.

## **184 Seized things**

- (1) This section applies if, immediately before the commencement, a thing seized on a protected area under a repealed provision was being kept under another repealed provision.
- (2) The thing is taken—
  - (a) to have been seized under the corresponding provision for the repealed provision under which it was seized; and
  - (b) to be kept under the corresponding provision for the repealed provision under which it was being kept.

## **185 Particular existing records**

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

## **186 References to repealed administration regulation**

In a document, if the context permits in relation to a protected area—

- (a) a reference to the repealed administration regulation may be taken to be a reference to this regulation; and
- (b) a reference to a repealed provision may be taken to be a reference to the corresponding provision for the repealed provision.

## Chapter 11      Transitional provision for Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2021

### 187      Continuing application of former s 71AH to existing applications

- (1) This section applies if—
  - (a) before the commencement, a person made an application (the *existing application*) the grant, amendment or renewal of a protected area authority; and
  - (b) immediately before the commencement, the existing application had not been decided.
- (2) Former section 71AH continues to apply in relation to the existing application as if the *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2021* had not commenced.
- (3) In this section—  
*former section 71AH* means section 71AH as in force immediately before the commencement.

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

### 188      Existing demerit points continue

- (1) If, before the commencement, a person accumulated 1 or more demerit points under former section 71AI—
  - (a) the demerit points are not affected by the commencement of the *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2022*, section 47; and
  - (b) the demerit points may be considered for applying section 71AH(2)(a).
- (2) In this section—

***former section 71AI*** means section 71AI as in force from time to time before the commencement.

# Schedule 1      Trustees of conservation parks

## section 14

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 permit to take, use, keep or interfere with cultural or natural resources; (ii) an apiary permit; (iii) an Aboriginal tradition authority or Island custom authority; (iv) 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 any of the following— (i) a permit to take, use, keep or interfere with cultural or natural resources; (ii) an apiary permit; (iii) an Aboriginal tradition authority or Island custom authority

## 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 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 permit to take, use, keep or interfere with cultural or natural resources; (ii) an apiary permit; (iii) an Aboriginal tradition authority or Island custom authority; (iv) a commercial activity permit or special activity permit; (v) 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



Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
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 permit to take, use, keep or interfere with cultural or natural resources; (ii) an apiary permit; (iii) an Aboriginal tradition authority or Island custom authority; (iv) a commercial activity permit or special activity permit; or (c) enter into a commercial activity agreement
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 any of the following— (i) a permit to take, use, keep or interfere with cultural or natural resources; (ii) an apiary permit; (iii) an Aboriginal tradition authority or Island custom authority; 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	<p>the powers of the chief executive under this regulation other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a commercial activity permit or special activity permit;</li> <li>(v) an organised event permit;</li> <li>(vi) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) enter into a commercial activity agreement; or</li> <li>(d) give permission to conduct a controlling activity; or</li> <li>(e) erect or display a regulatory notice; or</li> <li>(f) approve— <ul style="list-style-type: none"> <li>(i) the lighting of a fire; or</li> <li>(ii) the use of a herbicide or pesticide; or</li> <li>(iii) the possession or use of an appliance; or</li> </ul> </li> </ul>

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
		(g) erect 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
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 permit to take, use, keep or interfere with cultural or natural resources; (ii) an apiary permit; (iii) an Aboriginal tradition authority or Island custom authority; (iv) a commercial activity permit or special activity permit; (v) 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	<p>the powers of the chief executive under this regulation other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a stock grazing permit or travelling stock permit; or</li> </ul> </li> <li>(c) grant a commercial activity permit other than— <ul style="list-style-type: none"> <li>(i) to a vendor of food and beverages temporarily within the conservation park for an event approved by the trustees; or</li> <li>(ii) for a commercial activity associated with the conduct of power boat activities; or</li> </ul> </li> <li>(d) enter into a commercial activity agreement; or</li> <li>(e) approve— <ul style="list-style-type: none"> <li>(i) the use of a herbicide or pesticide; or</li> <li>(ii) the landing of an aircraft or recreational craft</li> </ul> </li> </ul>

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Lark Quarry Conservation Park	Winton Shire Council	<p>the powers of the chief executive under this regulation other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a commercial activity permit or special activity permit;</li> <li>(v) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) enter into a commercial activity agreement; or</li> <li>(d) approve the use of a herbicide or pesticide</li> </ul>

## Schedule 1

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Mount Whitfield Conservation Park	Cairns Regional Council	<p>the powers of the chief executive under this regulation other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority; or</li> </ul> </li> <li>(c) grant a commercial activity permit other than for a commercial activity associated with the conduct of rock climbing at the Aeroglen quarry; or</li> <li>(d) grant a special activity permit other than for a special activity associated with the conduct of rock climbing at the Aeroglen quarry; or</li> <li>(e) enter into a commercial activity agreement</li> </ul>

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Mutton Hole Wetlands Conservation Park	Carpentaria Shire Council	<p>the powers of the chief executive under this regulation other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) give permission to conduct a controlling activity</li> </ul>

## Schedule 1

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Southend Conservation Park	Gladstone Regional Council	<p>the powers of the chief executive under this regulation other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a commercial activity permit or special activity permit;</li> <li>(v) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) enter into a commercial activity agreement; or</li> <li>(d) approve the landing of an aircraft or recreational craft</li> </ul>



Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Springwood Conservation Park	Logan City Council	<p>the powers of the chief executive under this regulation other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a commercial activity permit or special activity permit;</li> <li>(v) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) enter into a commercial activity agreement; or</li> <li>(d) approve the use of a herbicide or pesticide</li> </ul>

## Schedule 1

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Toohey Forest Conservation Park	Brisbane City Council	<p>the powers of the chief executive under this regulation other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) an apiary permit;</li> <li>(ii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iii) a camping permit;</li> <li>(iv) a stock grazing permit, stock mustering permit or travelling stock permit;</li> <li>(v) a special activity permit; or</li> </ul> </li> <li>(c) grant a resources permit for a purpose other than an educational or scientific purpose; or</li> <li>(d) enter into a commercial activity agreement</li> </ul>

Column 1	Column 2	Column 3
Conservation park	Trustee	Powers of trustee
Wongaloo Conservation Park	The Wetlands and Grasslands Foundation ACN 086 542 109	<p>the powers of the chief executive under this regulation other than the power to—</p> <ul style="list-style-type: none"> <li>(a) charge a fee for entry to the park; or</li> <li>(b) grant any of the following— <ul style="list-style-type: none"> <li>(i) a permit to take, use, keep or interfere with cultural or natural resources;</li> <li>(ii) an apiary permit;</li> <li>(iii) an Aboriginal tradition authority or Island custom authority;</li> <li>(iv) a commercial activity permit or special activity permit;</li> <li>(v) an organised event permit;</li> <li>(vi) a stock grazing permit, stock mustering permit or travelling stock permit; or</li> </ul> </li> <li>(c) give permission to conduct a controlling activity; or</li> <li>(d) erect or display a regulatory notice; or</li> <li>(e) approve— <ul style="list-style-type: none"> <li>(i) the lighting of a fire; or</li> <li>(ii) the use of a herbicide or pesticide; or</li> <li>(iii) the possession or use of an appliance; or</li> </ul> </li> <li>(f) erect 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</li> <li>(g) release, sell or dispose of a seized thing</li> </ul>

**Schedule 2      Trustees of resources reserves**

section 15

**Part 1                      Resources reserves placed  
under joint management of  
joint trustees**

<b>Column 1</b>	<b>Column 2</b>
<b>Resources reserve</b>	<b>Joint trustees</b>
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
Lawn Hill (Arthur Creek) Resources Reserve Lawn Hill (Lilydale) Resources Reserve Lawn Hill (Littles Range) Resources Reserve Lawn Hill (Widdallion) Resources Reserve	chief executive and mining chief executive
Moonstone Hill Resources Reserve	chief executive and mining chief executive

<b>Column 1</b>	<b>Column 2</b>
<b>Resources reserve</b>	<b>Joint trustees</b>
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
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 permit to take, use, keep or interfere with cultural or natural resources; (ii) an apiary permit; (iii) an Aboriginal tradition authority or Island custom authority; (iv) a commercial activity permit or special activity permit; (v) 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 17

### Part 1 Service facilities

Column 1	Column 2
National park	Permitted use
Barron Gorge National Park	<p>construction, maintenance and use of the following facilities for the extraction of not more than 50ML of water a day from Lake Placid—</p> <ul style="list-style-type: none"> <li>(a) a submerged water intake tower in Lake Placid;</li> <li>(b) a vehicle access bridge from Barron Gorge Road to the water intake tower;</li> <li>(c) a pump station on the north bank of the Barron River;</li> <li>(d) a water mains under Barron Gorge Road</li> </ul>
<p>Blackdown Tableland National Park—the following parts—</p> <ul style="list-style-type: none"> <li>(a) the part identified as ‘Communications Tower’ on CENAP046, CENAP047, CENAP048 and CENAP049;</li> <li>(b) the part identified as ‘Authority Area’ in lot 49 on NPW733, shown on QPWSAP000108, containing an area of about 0.04ha</li> </ul>	<p>a communications use</p> <p>a communications use</p>

## 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 50m <sup>2</sup> ;	a communications use
(b) the part shown as lot 38 on survey plan Ep1963, containing an area of about 20.24ha	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 <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	a water supply 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
(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

Column 1	Column 2
National park	Permitted use
(e) the part identified as lot A over part of lot 309 on NPW751 on QPWSAP00031, containing an area of 268m <sup>2</sup> ;	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 <sup>2</sup> ;	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 <sup>2</sup> ;	a communications use
(c) the part shown as Lot A on QPWSAP00010, containing an area of about 120m <sup>2</sup>	a communications use
Denham Group National Park—the part of Cairncross Island shown as lot 10 on CP898341, containing an area of 1,682m <sup>2</sup>	a marine navigation use
Dinden National Park—the following parts—	

## Schedule 3

Column 1	Column 2
National park	Permitted use
(a) the part identified as ‘Miles Electronics’, containing an area of 456m <sup>2</sup> shown on the plan titled ‘Location Plan of Communications Towers Dinden NP’;	a communications use
(b) the part identified as ‘Black and White Taxis’, containing an area of 289m <sup>2</sup> shown on the plan titled ‘Location Plan of Communications Towers Dinden NP’;	a communications use
(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 300m <sup>2</sup>	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 900m <sup>2</sup> ;	a communications 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 <sup>2</sup>	an electricity distribution use

Column 1	Column 2
National park	Permitted 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	the following uses— (a) a water supply use; (b) a 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
(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;	an electricity distribution use

## Schedule 3

Column 1	Column 2
National park	Permitted use
(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 73,712m <sup>2</sup> ;	a water supply use
(d) the part identified as ‘Authority Area’ covering part of lot 18 on AP22472 on QPWSAP000182, containing an area of 829m <sup>2</sup>	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;	construction, maintenance and use of a water pipeline
(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 44,963.3m <sup>2</sup>	a water supply use
Goold Island National Park	construction, maintenance and use of a communications tower and supporting structures, constructed on an area of 6m diameter at latitude 18°9.644' south, longitude 146°9.992' east, for the operation of a radio repeater, seaphone repeater and radio link

Column 1	Column 2
National park	Permitted use
Great Sandy National Park	<p>the following uses—</p> <ul style="list-style-type: none"> <li>(a) an electricity distribution use, or a communications use, consistent with orthophoto maps 15993-A1 and 15994-A1 and works plan 1100532;</li> <li>(b) a communications use consistent with drawing 254913F1;</li> <li>(c) construction, maintenance and use of a water pipeline in the area shown as ‘Existing Easement–Water Pipeline’ on the plan titled ‘Great Sandy National Park Cooloola Coast water pipeline’;</li> <li>(d) maintenance and use of a facility, by Gympie Regional Council, for providing communication services to the Tin Can Bay and Cooloola Cove communities;</li> <li>(e) maintenance and use of a water reservoir by Gympie Regional Council to service the Tin Can Bay and Cooloola Cove communities;</li> <li>(f) a communications use on the part identified as the radio tower site on plan ‘Bowarrady QA200108’;</li> <li>(g) a communications use on the part identified as communications tower on the map titled ‘Cooloola Rainbow Beach Aggregation’;</li> <li>(h) a communications use on the part identified as Lot 100 in Lot 21 on NPW1150, shown on AP16995, containing an area of about 52m<sup>2</sup></li> </ul>

## Schedule 3

Column 1	Column 2
National park	Permitted use
Green Island National Park—the part around the tower situated at about latitude 16°45.6' south, longitude 145°58.4' east, containing an area of about 0.0405ha	construction and use of support structures for an extension of the tower
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 <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	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 <sup>2</sup>	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 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 <sup>2</sup> ;	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 <sup>2</sup> ;	a communications use
(c) the part shown as lot A on QPWSAP00004, containing an area of about 196m <sup>2</sup> ;	a communications use carried out by Maritime Safety Queensland
(d) the part shown as Lot C on QPWSAP00004, containing an area of about 50m <sup>2</sup>	a communications use

## Schedule 3

Column 1	Column 2
National park	Permitted 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 <sup>2</sup> ;	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 <sup>2</sup>	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 <sup>2</sup>	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 part identified as ‘overlandcable_buffer’ within Lot 456 on NPW398 on the map titled ‘Ergon Energy Electricity Cable Authority Area’	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 <sup>2</sup>	a communications 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
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

## Schedule 3

Column 1	Column 2
National park	Permitted 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;	maintenance and use of water infrastructure
(b) the part identified as lot A over part of lot 147 on NPW889 on QPWSAP00017, containing an area of 162m <sup>2</sup>	a communications use
Orpheus Island National Park—the part of White Rock shown as lot 11 on CP882221, containing an area of 326m <sup>2</sup>	a marine navigation use
Paluma Range National Park—the following parts—	
(a) the part shown on Townsville City Council water supply infrastructure overall plan consistent with drawing 60024604/131, including the following—	construction, maintenance and use of a water treatment facility and associated infrastructure
(i) Mt Kinduro water treatment plant consistent with drawing 60024604/132;	
(ii) Crystal Creek water supply infrastructure consistent with drawing 60024604/133;	

Column 1	Column 2
National park	Permitted use
(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	an electricity distribution 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 319m <sup>2</sup> ;	a marine navigation use
(b) the part of Vernon Rocks shown as lot 1 on CP882205, containing an area of 235m <sup>2</sup>	a marine navigation use
Pioneer Peaks National Park—the part identified as ‘Authority Area A’ within lot 150 on NPW854, shown on QPWSAP000058, containing an area of 1.38ha	a communications use
Possession Island National Park—Eborac Island, shown as lot 11 on plan SO7, containing an area of about 4.45ha	a marine navigation use
Russell River National Park—the part identified as ‘Proposed Transmission Line’ on plan A3–H–132537–15	an electricity distribution use
Springbrook National Park—the part identified as ‘Authority Area’ covering part of Lot 5 on AP19371, shown on QPWSAP000253, containing an area of 250m <sup>2</sup>	a communications use

## Schedule 3

Column 1	Column 2
National park	Permitted use
Tamborine National Park—the following parts—	
(a) the part identified as ‘RRTMB Mt Tamborine Radio Site’ on plan 11044-A4, containing an area of 268m <sup>2</sup> ;	a communications use
(b) the part shown as ‘Approved Route’ on sheet 26 of the map for the Powerlink transmission grid for Greenbank–Maudsland	an electricity distribution use
Tewantin National Park—the following parts—	
(a) the part identified as ‘Area A’ in Lot 959 on NPW1140;	a communications use
(b) the part identified as lot A covering part of lot 4 on AP19222 on MCYAP1402, containing an area of about 360m <sup>2</sup>	a communications use
Three Islands Group National Park—the part of Three Isles shown as lot 1 on CP882196, containing an area of 406m <sup>2</sup>	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 <sup>2</sup>	a marine navigation use
Whitsunday Islands National Park—the following parts—	

Column 1	Column 2
National park	Permitted use
(a) the part of Edward Island shown as lot 7 on CP882207, containing an area of 392m <sup>2</sup> ;	a marine navigation use
(b) the part of Hook Island shown as lot 6 on CP882209, containing an area of 261m <sup>2</sup> ;	a marine navigation use
(c) the part identified as 'Mount Robinson Communication Tower' on CEN AP076, containing an area of about 266m <sup>2</sup>	a marine navigation use
Wild Cattle Island National Park	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;	a communications use
(b) the part identified as 'EGX' on AP17876 and AP17879, containing an area of about 900m <sup>2</sup> ;	a communications use

## Schedule 3

Column 1	Column 2
National park	Permitted use
(c) the part identified as ‘Authority Area A’ on lot 2 on AP19217 on QPWSAP000087, containing an area of about 700m <sup>2</sup> ;	a communications use
(d) the part identified as ‘Authority Area A’ on lot 3 on AP19217 on QPWSAP000090, containing an area of about 40m <sup>2</sup>	a communications use
Wooroonooran National Park—the following parts—	
(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 an electricity distribution use
(e) the parts identified as portions 208 and 209 and ‘Cableway’ on survey plan Nr.5584	a communications use



Column 1	Column 2
National park	Permitted 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	the following uses— <ul style="list-style-type: none"> <li>a communications use</li> <li>an electricity distribution use</li> </ul>
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 <sup>2</sup>	a communications 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 <sup>2</sup>	a communications use

## Part 2 Ecotourism facilities

Column 1	Column 2
National park	Permitted use
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
(b) the part identified as Lot Y, containing an area of 1,111m <sup>2</sup>	maintenance and use of caretaker premises associated with the campground

## Schedule 3

Column 1	Column 2
National park	Permitted use
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 <sup>2</sup> ;	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 <sup>2</sup>	construction, maintenance and use of buildings or other structures for overnight accommodation and other services related to ecotourism
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 18

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;	maintenance and use of an airstrip
(b) lot B, containing an area of about 0.66ha;	maintenance and use of a sewage treatment facility
(c) lot C, containing an area of about 1.03ha;	maintenance and use of a tramway
(d) lot D, containing an area of about 0.28ha	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

Schedule 4

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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      **Apiary areas and maximum apiary sites**

sections 18AA and 18AB

Column 1	Column 2	Column 3
National park	Apiary area	Maximum number of apiary sites
Banja National Park	former Banja Forest Reserve	4
	former Wonbah Forest Reserve	1
Bellthorpe National Park	former Bellthorpe Forest Reserve 2	26
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
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

## Schedule 5

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>National park</b>	<b>Apiary area</b>	<b>Maximum number of apiary sites</b>
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
Dularcha National Park	former Mooloolah Forest Reserve	4
Gatton National Park	former Gatton Forest Reserve	3
Geham National Park	former Geham Forest Reserve	1
Glass House Mountains National Park	former Beerburrum Forest Reserve 1	8
	former Beerwah Forest Reserve	4
Glenbar National Park	former Miva Forest Reserve	1

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>National park</b>	<b>Apiary area</b>	<b>Maximum number of apiary sites</b>
Goomboorian National Park	former Goomboorian 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
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
Littabella National Park	former Littabella Forest Reserve	6
Lockyer National Park	former Lockyer Forest Reserve	41

## Schedule 5

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>National park</b>	<b>Apiary area</b>	<b>Maximum number of apiary sites</b>
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
Nangur National Park	former Nangur Forest Reserve	10
Nerang National Park	former Nerang Forest Reserve	22



Column 1	Column 2	Column 3
National park	Apiary area	Maximum number of apiary sites
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
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
	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

## Schedule 5

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>National park</b>	<b>Apiary area</b>	<b>Maximum number of apiary sites</b>
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

## Schedule 6      Prescribed national parks within which fish, invertebrate animals and mud crabs may be taken

section 49(5), definition *prescribed area* and schedule 8, definition  
*prescribed national park*

Column 1	Column 2
<b>Prescribed national park</b>	<b>Part of prescribed national park within which fish, invertebrate animals and mud crabs may be taken</b>
Bladensburg National Park	all parts
Boodjamulla (Lawn Hill) National Park	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
Cape Palmerston National Park	the parts that are tidal

## Schedule 6

Column 1	Column 2
<b>Prescribed national park</b>	<b>Part of prescribed national park within which fish, invertebrate animals and mud crabs may be taken</b>
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 erected on the northern bank of Repulse Creek  <i>Editor's 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

Column 1	Column 2
<b>Prescribed national park</b>	<b>Part of prescribed national park within which fish, invertebrate animals and mud crabs may be taken</b>
Daintree National Park	the parts that are tidal and 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

## Schedule 6

Column 1	Column 2
Prescribed national park	Part of prescribed national park within which fish, invertebrate animals and mud crabs may be taken
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
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
Jardine River National Park	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
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

Column 1	Column 2
<b>Prescribed national park</b>	<b>Part of prescribed national park within which fish, invertebrate animals and mud crabs may be taken</b>
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
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

## Schedule 6

Column 1	Column 2
<b>Prescribed national park</b>	<b>Part of prescribed national park within which fish, invertebrate animals and mud crabs may be taken</b>
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 7      Minimum flying height over protected areas

section 117

Column 1	Column 2	Column 3
Protected area or part of a protected area	Aircraft to which minimum height applies	Minimum height
Capricornia Cays National Park (scientific)—the parts within the following islands— <ul style="list-style-type: none"> <li>• East Fairfax Island</li> <li>• East Hoskyn Island</li> <li>• West Fairfax Island</li> <li>• West Hoskyn Island</li> <li>• Wreck Island</li> </ul>	all	1,500ft above sea level
Capricornia Cays National Park—the parts within the following islands— <ul style="list-style-type: none"> <li>• Erskine Island</li> <li>• Heron Island</li> <li>• Lady Musgrave Island</li> <li>• Masthead Island</li> <li>• North West Island</li> <li>• Tryon Island</li> <li>• Wilson Island</li> </ul>	all	1,500ft above sea level

## Schedule 7

Column 1	Column 2	Column 3
Protected area or part of a protected area	Aircraft to which minimum height applies	Minimum height
<p>Carnarvon National Park—the parts within the following areas—</p> <p>(a) the area formed by joining the following points—</p> <ul style="list-style-type: none"> <li>latitude 24°51' south, longitude 147°58' east</li> <li>latitude 24°51' south, longitude 148°02' east</li> <li>latitude 25°01' south, longitude 148°18' east</li> <li>latitude 25°09' south, longitude 148°16' east</li> <li>latitude 24°59' south, longitude 148°00' east;</li> </ul> <p>(b) the area formed by joining the following points—</p> <ul style="list-style-type: none"> <li>latitude 25°07' south, longitude 148°20' east</li> <li>latitude 25°07' south, longitude 148°32' east</li> </ul>	all	1,500ft above ground level

Column 1	Column 2	Column 3
Protected area or part of a protected area	Aircraft to which minimum height applies	Minimum height
<ul style="list-style-type: none"> <li>latitude 25°15' south, longitude 148°32' east</li> <li>latitude 25°15' south, longitude 148°20' east</li> </ul>		
Currawinya National Park	all	1,500ft above ground level
Hinchinbrook Island National Park	all	1,500ft above ground level

# Schedule 7A      Fees

section 159AM(1)

## Part 1                      Fees for permits to take, use, keep or interfere with cultural or natural resources

	Fee units
1    Permit to take, use, keep or interfere with cultural or natural resources authorising the taking of a seed or other propagative material of a least concern plant (ss 71AB(2)(c) and 159AM(1))—	
(a)    for each kilogram of seed, or each linear metre of other propagative material of a least concern plant mentioned in schedule 7B, 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

	<b>Fee units</b>
(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
(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

## Schedule 7A

	<b>Fee units</b>
(ii) if there are more than 10 seeds but not more than 1,000 seeds of the plant in the kilogram	3.55
(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 Permit to take, use, keep or interfere with cultural or natural resources authorising the taking of foliage, flowers or inflorescences of a least concern plant (ss 71AB(2)(c) and 159AM(1))—	
(a) for each kilogram of foliage, flowers or inflorescences of a least concern plant mentioned in schedule 7B, 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 71AB(2)(c) and 159AM(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

	<b>Fee units</b>
(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
(f) for a term of more than 4 years	555.00
4 Transfer of apiary permit (ss 71BT(2)(b) and 159AM(1))	67.25

## Part 2 Fees for other permits for protected areas

	<b>Fee units</b>
5 Camping permit other than if a commercial activity permit under item 10 is required (ss 71AB(2)(c) and 159AM(1))—	
(a) for each night the camp the subject of the permit is attended—	
(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) for each night the camp the subject of the permit is unattended	6.85
(c) 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 71AB(2)(c) and 159AM(1))—	
(a) for each head—	

## Schedule 7A

	<b>Fee units</b>
(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
(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 71AB(2)(c) and 159AM(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 71AB(2)(c), 71CA(2)(c) and 159AM(1))—	
(a) application fee	383.60
(b) renewal fee	383.60
(c) permit fee—for each day on which activities are carried out under the permit	192.30
9 Commercial activity permit for filming or photography if prescribed structure is involved (ss 71AB(2)(c), 71CA(2)(c) and 159AM(1))—	
(a) for 1 to 5 persons involved in the filming or photography—	
(i) application fee	192.30
(ii) renewal fee	192.30



	<b>Fee units</b>
(iii) permit fee—for each day on which activities are carried out under the permit	192.30
(b) for 6 to 25 persons involved in the filming or photography—	
(i) application fee	951.00
(ii) renewal fee	951.00
(iii) permit fee—for each day on which activities are carried out 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 carried out 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 carried out under the permit	3,845.00
10 Commercial activity permit, other than for filming or photography (ss 71AB(2)(c), 71CA(2)(c), 159AM(1) and 159AS(2))—	
(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

## Schedule 7A

	<b>Fee units</b>
(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
(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 client, 5 years or older, of the holder of the permit taking part in the activity carried out under the permit, other than an educational tour, or a camp, of a type approved by the chief executive—	
(i) for an activity lasting less than 3 hours	2.37
(ii) for an activity lasting 3 hours or more	4.18
(e) camping fee for each client, 5 years or older, of the holder of the permit taking part in the activity carried out 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 joint marine park authority permit (s 71BU(2)(d))	181.90
12 Organised event permit (ss 71AB(2)(c), 159AM(1) and 159AS(3))—	
(a) application fee	36.15

**Fee units**

- (b) additional daily fee if special access is to be allowed, special supervision is needed, or an area is reserved for use, for the activity carried out under the permit, for each day on which the activity is carried out under the permit—
  - (i) for a vehicle-based activity—for each vehicle used for the activity 5.15
  - (ii) for a people-based activity—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 the activity carried out 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 71CW(b) and 71DC(2)(b))—
  - (a) for submission of an expression of interest 365.30
  - (b) for an application 365.30

	<b>Fee units</b>
(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 record books**

	<b>Fee units</b>
14 Record book for a commercial activity permit (s 71AC(3))—	
(a) for a book with 20 pages	8.90
(b) for a book with 50 pages	22.45

## **Part 5 Fees for amendments of authorities**

	<b>Fee units</b>
15 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 71BG(2)(a) and 159AM(1))—	
(a) for a camping permit taken to have been granted under section 71AR for an e-permit camping area—	
(i) for every third amendment	15.50
(ii) for every other amendment	nil
(b) for an amendment of any other camping permit	nil
(c) for an amendment of another protected area authority—for each amendment	18.95

## Schedule 7B Categories of plants for fees

section 159AM(3) to (5)

### 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

## Schedule 7B

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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

## Schedule 7B

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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



<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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

## Schedule 7B

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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

## Schedule 7B

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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

## Schedule 7B

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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

<b>Least concern plant (scientific name)</b>	<b>Category</b>
<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 8 Dictionary

### section 11

***Aboriginal land protected area*** see section 72.

***Aboriginal people particularly concerned with land*** means Aborigines particularly concerned with land within the meaning given by the *Aboriginal Land Act 1991*, section 3.

***activity permit*** see section 12(3).

***additional conditions notice***, for an e-permit camping area, see section 71AQ(3).

***additional daily fee***, in relation to a commercial activity permit, means the fee mentioned in schedule 7A, item 10(d).

***apiary area*** means an area prescribed as an apiary area under section 18AA.

***apiary site*** see section 31A(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 88.

***associate***, of a person whose suitability to hold a protected area authority is being considered, see section 71AE.

***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

***at***, the entrance to a protected area, includes in or near the entrance to the area.

**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** see section 71DQ(1).

**camp** includes each of the following—

- (a) to pitch, place or erect a tent, caravan or another structure that may be used for camping for the purpose of staying overnight by using the tent, caravan or structure;
- (b) to place other equipment that may be used for camping or a vehicle in position for the purpose of staying overnight by using the equipment or vehicle;
- (c) to keep a tent, caravan or another structure or other equipment that may be used for camping in position 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 fee** means the fee stated in schedule 7A for camping in a protected area.

**camping fee container** see section 71AT(3).

**camping fee envelope** see section 71AT(5)(b).

**camping forms** see section 71AT(3).

***camping permit*** includes an e-camping permit and a self-registered camping permit.

***camping tag*** means—

- (a) generally—a label or tag made available by the chief executive for a person to complete and display at the person’s camp site; or
- (b) in relation to a camping permit that is granted—a label or tag mentioned in paragraph (a) that has been completed by the holder of the permit.

***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 12A.

***commercial activity***—

- 1 A *commercial activity* is an activity conducted for gain.

*Examples of activities conducted for gain—*

- the hire or sale of goods or services
- commercial photography
- a guided tour, safari, scenic flight, cruise or excursion
- advertising or promoting the use of a protected area as part of a tour, safari, scenic flight, cruise or excursion
- advertising or promoting the use of a protected area as a feature associated with a resort or tourist facility on land adjoining the area

- 2 A *commercial activity* does not include—

- (a) an exempt activity; or
- (b) an exempt media activity; or
- (c) filming or photography that—
  - (i) involves no more than 10 persons; and
  - (ii) does not involve the erection, construction or use of a prescribed structure.

***commercial activity agreement*** see section 71CO(1).

**communications use** means the 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 48.

**corporation** see the Corporations Act, section 57A.

**demerit point** means a demerit point accumulated under section 71AI.

**deposit** includes drop, leave, place and throw.

**dingo** means an animal of the species *Canis familiaris* (*dingo*).

**e-camping permit**, for an e-permit camping area, means a camping permit taken to have been granted under section 71AR for the area.

**ecotourism**, for schedule 3, part 2, see section 17(4) of the Act.

**electricity distribution use** means the 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, means the part of the area—

- (a) developed by the chief executive for use as a vehicular or walking entrance to the area; and
- (b) commonly used by people to drive, ride or walk into the area.

**e-permit camping area** means a protected area stated to be an e-permit camping area by an e-permit camping notice.

**e-permit camping notice** see section 71AQ(1).

**estuarine crocodile** means an animal of the species *Crocodylus porosus*.

***exempt activity*** means an activity for which the chief executive is reasonably satisfied the use of a protected area is incidental to, and not integral to, the conducting of the activity.

*Examples of exempt activities—*

- a scheduled commercial flight over a protected area that is not part of a tour or scenic flight over the area
- a scheduled bus service through a protected area that is not a part of a tour or safari in the area
- an activity conducted in a protected area if the activity involves a trade and is conducted for the chief executive, the holder of a permit, licence or other authority for the area, or a party to a lease or agreement for the area
- a mechanical or vehicle towing service provided for a visitor in a protected area

***exempt media activity*** means an activity that is—

- (a) the filming or photographing of, or in relation to, an event; and
- (b) conducted when, or as soon as practicable after, the event happens; and
- (c) conducted for publishing a report of the event—
  - (i) on television or in a newspaper, magazine or similar publication; and
  - (ii) to inform the public about the event; and
- (d) of a type the chief executive has declared as an exempt media activity by publishing the declaration on the department's website.

***existing permit*** see section 71CA(1).

***fee exemption application*** see section 159AU(1).

***insurance cover***, for activities to be conducted under a permit, means a policy of insurance that insures the applicant for the permit against a claim for damage, injury or loss to a person, and damage to property, arising from the activities to be conducted under the permit.

***interested group***, in relation to a protected area, means a community or group of—

- (a) Aboriginal people particularly concerned with land within the protected area; or
- (b) Torres Strait Islanders particularly concerned with land within the protected area.

***joint marine park authority*** means a document that includes more than 1 of the following—

- (a) a commercial activity permit;
- (b) a permission granted under the *Marine Parks Act 2004*;
- (c) a permission granted under the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

***joint marine park authority permit*** means a commercial activity permit forming a part of a joint marine park authority.

***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 broken glass.

***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 principles mentioned in part 4, division 1 of the Act.

***marine navigation use*** means the 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—

Schedule 8

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- (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.

***month*** means a period—

- (a) starting at the beginning of any day of a calendar month; and
- (b) ending—
  - (i) immediately before the beginning of the corresponding day of the following calendar month; or
  - (ii) if there is no corresponding day in the following calendar month—at the end of the following calendar month.

***motor vehicle***—

- 1 ***Motor vehicle*** means a vehicle propelled by a motor that forms part of the vehicle, and includes a trailer attached to the vehicle.
- 2 ***Motor vehicle*** does not include an aircraft, a bicycle, a hovercraft or a motorised mobility device within the meaning of the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***national park (recovery)*** means an area dedicated as a national park (recovery) under the Act as in force before the commencement of section 197 of the Act.

***new permit***, for the holder of an existing permit who has made a renewal request, for chapter 4A, part 7, see section 71BZ.

***notice*** means written notice.



*organised event—*

- 1 An *organised event* is a non-commercial activity involving the organised use of a part of a protected area that is likely to have a detrimental impact on the part, or affect the use of the area by other persons, having regard to the following—
  - (a) the location of the part;
  - (b) the number of people, vehicles or resources involved in the activity or likely to be in the part when the activity is conducted;
  - (c) the type of activity;
  - (d) the timing of the activity;
  - (e) any likely disturbance to the part as a result of conducting the activity;
  - (f) the extent to which the conducting of the activity may restrict access to the part by the general public.

*Examples of an activity that may be an organised event—*

concert, competitive sporting event, training exercises conducted by the Australian Defence Force, vehicle rally

- 2 An *organised event* does not include an activity that is 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 Islanders under Island custom in a protected area with which the community or group has a traditional, customary or historical link under Island custom; or
  - (c) under an authority (however called) under the Act, other than an organised event permit.

***other party***, to a commercial activity agreement, see section 71DK(1).

***person in charge***, of an animal, has the meaning given by the *Animal Care and Protection Act 2001*, section 12.

***prescribed commercial activity*** means a commercial activity declared to be a prescribed commercial activity under section 84.

***prescribed national park*** means a national park, or national park (Cape York Peninsula Aboriginal land), mentioned in schedule 6, column 1.

***prescribed structure*** means equipment or a construction used to facilitate filming or photography, and—

- (a) includes a tower, platform, generator, vehicle, shelter and building; but
- (b) 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 under a permit or agreement under the Act or the *Recreation Areas Management Act 2006*.

***protected area authority*** see section 12(1).

***public health and safety act*** means an act, the regulation or prohibition of which, the chief executive believes is necessary or desirable to diminish the risk of death, injury or illness of users of a protected area or adjacent areas.

***public notice*** means a notice published in—

- (a) a newspaper circulating generally in the area in which the protected area the subject of the notice is located; and

(b) a newspaper circulating throughout the State.

**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.

**reasonably suspect** means suspect on grounds that are reasonable in the circumstances.

**record book** means a record book, or a record and return book, supplied by the chief executive.

**regulatory information notice** see section 76(2).

**regulatory notice** see section 73(2).

**related permission**, for a joint marine park authority permit, means a marine park permission forming a part of the joint marine park authority that includes the permit.

**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 the protected area to which the agreement applies.

**relevant day**, for a person, see section 71AE.

**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 12B.

**renewal request** see section 71CA(1).

**resources permit** see section 12(2).

**restricted access area** means an area declared to be a restricted access area under section 78.

**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.

**scientific purpose** includes an archaeological, anthropological or sociological purpose.

**self-registered camping permit**, for a self-registration camping area, means a camping permit taken to have been granted under section 71AU for the area.

**self-registration camping area** means a protected area stated to be a self-registration camping area by a self-registration camping notice.

**self-registration camping notice** see section 71AT(1).

**seller** see section 71DQ(1).

**small stock** means goats, ostriches, peafowl or sheep.

**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 erected or displayed under section 85; or
- (b) a conservation plan that identifies the area or part as, or including, a critical habitat for wildlife.

***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.

***substantially the same***, in relation to activities, see section 71CD.

***term***, of a protected area authority, see section 71BB.

***Torres Strait Islanders particularly concerned with land*** has the meaning given by the *Torres Strait Islander Land Act 1991*, section 3.

***watercourse*** means a river, creek or stream in which water flows permanently or intermittently.

***year*** means a period of 12 months—

- (a) starting at the beginning of any day of a 12- month period; and
- (b) ending—
  - (i) immediately before the beginning of the corresponding day of the following 12-month period; or
  - (ii) if the year started on 29 February of a year—at the end of 28 February of the following 12-month period.