

Information Sheet

This information sheet is issued by the Department of Environment and Science to advise of a statutory decision on a permit application under the *Nature Conservation Act 1992* (the Act).

When assessing an application for a license, permit or other authority, the chief executive must have regard to the following matters under the following laws:

Section 241(1) of the Nature Conservation (Animals) Regulation 2020

- (a) whether the chief executive is restricted from granting the authority under chapter 5 part 1 or chapter 4, parts 3 to 18;
- (b) whether the applicant is a suitable person to hold the authority;
Note - See also division 2
- (c) the impact the activities proposed to be carried out under the authority may have on the conservation of native wildlife;
- (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 wildlife;
- (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 an animal to which the authority is proposed to apply;
- (k) for an animal authority, other than a renewable licence, proposed to commence immediately after an existing animal authority of the same type expires—
 - (i) whether the existing animal authority was obtained on the basis of false or misleading information; and
 - (ii) whether the holder of the existing animal authority, or a relevant person for the holder, has failed to comply with a condition of the existing animal authority;
- (l) any other matter stated in a conservation plan as a matter the chief executive must have regard to when considering an application for the authority.

Section 241(2) of the Nature Conservation (Animals) Regulation 2020

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.

Section 241 of the Nature Conservation (Animals) Regulation 2020

The chief executive cannot –

- a) grant a wildlife authority to a person if the Nature Conservation (Animals) Regulation 2020 or a conservation plan states the chief executive cannot grant the authority to the person or to any person.

Note – See also section 137 of the Act

Section 137 of the Nature Conservation Act 1992

(2) A licence, permit or other authority issued or given under a regulation to—

- (a) take, use or keep protected wildlife; or
- (b) abandon, release, keep, use or introduce international or prohibited wildlife;

must be consistent with—

- (c) the management principles for the wildlife; and
- (d) the declared management intent, or conservation plan, applicable to the wildlife.

In assessing your application, consideration has been given to each of the relevant matters listed above.

In some cases some conditions have been imposed on the resulting permit/licence. Please take the time to familiarise yourself with these requirements. In other cases your application may have been refused.

Should you have any questions regarding any these decisions please contact the Department of Environment and Science using the contact details provided to you on your notice of decision.

Chapter 11 Part 1 of the Nature Conservation (Animals) Regulation 2020 provides for internal and external reviews, should you be dissatisfied with any reviewable decision. In summary these include:

- If you wish to apply for an internal review of the decision, an application must be made in writing within 20 business days after being given this notice;
- The application must be supported by sufficient information to decide the application;
- The application for internal review does not stay the decision made. However you may apply to the Queensland Civil and Administrative Tribunal (QCAT) for a stay of the decision;
- The Department of Environment and Science must review the decision within 28 days of receiving the application and provide you with a decision through a QCAT information notice that complies with the *Queensland Civil and Administrative Tribunal Act 2009*, section 157(2);
- If you are dissatisfied with the internal review decision, you are able to file an application for an external review in the registry of the QCAT within 28 days of receiving the internal review notice.

For further information you are directed to Chapter 11 Part 1: Review of decisions of the Nature Conservation (Animals) Regulation 2020 and Queensland Civil and Administrative Tribunal Act 2009 which can both be found at www.legislation.qld.gov.au/OQPCHome.htm.

Also please note:

Should it be determined at some future date by any Court or Tribunal that Native Title exists over the subject land or waters, this permit may be terminated and the holder (or any subsequent holder) may be required to remove any works established under this permit at the permit holder's (or any subsequent permit holder's) own cost, expense and risk. In that event, no compensation for works, development costs or loss of income shall be payable to the permit holder (or any subsequent permit holder) by the State of Queensland.