<p style="text-align:center">Threatened Species Protection Regulations 2006</p>

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Threatened Species Protection Act 1995*.

2 October 2006

W. J. E. COX

Governor

By His Excellency's Command,

D. E. LLEWELLYN

Minister for Primary Industries and Water

1. Short title

These regulations may be cited as the *Threatened Species Protection Regulations 2006*.

2. Commencement

These regulations take effect on 31 October 2006.

3. Interpretation

In these regulations –

Act means the *Threatened Species Protection Act 1995*;

buy includes acquire for any consideration;

deal with, in respect of a listed taxon, means take, buy, sell, keep, disturb, process, export or import;

export means export from the State;

import means import into the State;

notice, in relation to a permit, means notice in writing served on the holder of the permit;

permit means a permit issued by the Secretary under regulation 4;

sell means sell by wholesale or retail, and includes –

(a) offer, display or expose for sale; and

(b) keep or have in possession for sale; and

(c) barter or exchange; and

(d) deal in or agree to sell; and

(e) supply, send, forward or deliver for sale or for, or in expectation of receiving, any payment or other consideration; and

(f) authorise, cause, attempt or allow any act referred to in paragraph (a), (b), (c), (d) or (e).

4. Permits for dealing with listed taxon

(1) A person may apply to the Secretary for a permit to deal with a listed taxon.

(2) The application is to –

(a) be in writing; and

(b) specify –

(i) the name and address of the applicant; and

(ii) the name and address of each person, besides the applicant, who will need to be able to use the permit; and

(iii) the listed taxon proposed to be dealt with; and

(iv) the proposed dealing with the listed taxon; and

(v) the proposed time at which or period within which the permit is to be used; and

(vi) the proposed manner of use of the permit; and

(vii) the proposed place of use of the permit; and

(c) be supported by such information or evidence as the Secretary may require.

(3) On receipt of the application, the Secretary is to –

(a) issue the permit; or

(b) refuse to issue the permit.

(4) In determining whether or not to issue the permit, the Secretary is to have regard to –

(a) the kind of listed taxon; and

(b) the proposed dealing with the listed taxon; and

(c) the applicant's conduct as regards any previous permit; and

(d) any other matters the Secretary considers relevant.

(5) The permit, if issued, is to –

(a) be in writing; and

(b) specify the listed taxon; and

(c) say what the permit authorises; and

(d) set out the conditions of the permit; and

(e) specify the name of the permit holder and each person, besides the permit holder, able to use the permit; and

(f) specify the period for which the permit remains in force; and

(g) contain such other information as the Secretary determines.

5. General effect of permit

(1) A permit authorises the dealing with the listed taxon specified in the permit by –

(a) a person named in the permit; and

(b) unless the permit provides to the contrary, an employee or subcontractor of a person named in the permit acting on that person's behalf on their written authority.

(2) The Secretary may amend or revoke a permit after giving notice to the permit holder of the Secretary's intention to do so.

(3) The holder of a permit must not contravene, or cause or allow another person to contravene, a condition of the permit.

Penalty:

Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.

6. Import and export of listed taxon

Except as may be authorised by a permit, a person must not knowingly import or export a listed taxon, or knowingly cause or allow the import or export of a listed taxon.

Penalty:

Fine not exceeding 100 penalty units, and in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.

7. Marking and tagging of listed taxon

(1) This regulation applies to a permit that authorises the taking of a listed taxon.

(2) The Secretary, by notice, may require the holder of the permit to affix a tag or mark, in the manner specified in the notice, to a listed taxon taken pursuant to the permit.

(3) The Secretary may issue the holder of the permit with the tag or mark or may specify in the notice the kind of tag or mark to be affixed.

(4) The holder of a permit must comply with a notice under subregulation (2).

Penalty:

Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.

(5) Except as may be authorised by the Secretary, a person must not remove a tag or mark affixed to a listed taxon pursuant to this regulation.

Penalty:

Fine not exceeding 100 penalty units.

(6) A person must not damage or interfere with a tag or mark affixed to a listed taxon pursuant to this regulation.

Penalty:

Fine not exceeding 100 penalty units.

8. Keeping of record of dealing with listed taxon

(1) The Secretary, by notice, may require the holder of a permit to keep a prescribed record.

(2) The holder of the permit must comply with the notice.

Penalty:

Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.

(3) In this regulation –

prescribed record means a record, of a dealing with a listed taxon, that includes:

(a) the name of the listed taxon;

(b) the number of specimens of the listed taxon or, if applicable, the number of eggs or other part of the listed taxon;

(c) if applicable, the name and address of each person –

(i) to whom the listed taxon or part of the listed taxon is sold; and

(ii) from whom the listed taxon or part of the listed taxon is bought;

(d) if applicable, the name of each place or institution to which the listed taxon or part of the listed taxon is sent or at which it is left;

(e) such other information as the Secretary may require.

9. Provision of record of dealing with listed taxon

(1) The Secretary, by notice, may require the holder of a permit to give the Secretary, within such period as is specified in the notice, a copy of a prescribed record relating to a day or period specified in the notice.

(2) The holder of a permit must comply with the notice.

Penalty:

Fine not exceeding 100 penalty units and, in the case of a continuing offence, a further fine not exceeding 20 penalty units for each day during which the offence continues.

(3) In this regulation –

prescribed record has the same meaning as in regulation 8.

10. False or misleading statements

A person must not, in giving any information under these regulations –

(a) make a statement knowing it to be false or misleading; or

(b) omit any matter from a statement knowing that without that matter the statement is false or misleading; or

(c) provide a document that the person knows to be false or misleading without informing the person to whom the document is provided of that knowledge.

Penalty:

Fine not exceeding 100 penalty units.

11. Notice of interim protection order

A notice under section 34 of the Act is to be served personally on each landholder whose land is affected by the order.

12. Nomination for adding or omitting taxon

The nomination under section 16 of the Act of a taxon of flora or fauna to be added to, or omitted from, Schedule 3, 4 or 5 of the Act is to be in accordance with the form set out in Schedule 1.

SCHEDULE 1 - Nomination for listing or delisting taxon

Regulation 12

Name of nominator:

Address of nominator:
_____

Telephone number of   work: home:
nominator:

Facsimile number:
_____

Email address:
_____

Signature of nominator:
_____

Date:
_____

Name of taxon nominated:
(scientific and common name)
_____

Recommended Schedule:
_____

Is the taxon currently listed?
_____

_____

1. Provide a statement identifying the taxon of flora or fauna including the scientific name and any common name and a description which distinguishes it from all other taxa. Please include authority and an identification reference, for example a voucher reference number.

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2. Describe the known distribution of the taxon, providing information specified in the Guidelines.

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3. Describe any known or implied threats which may affect the taxon, providing information specified in the Guidelines.

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4. Describe any known or anticipated declines in range or population, providing information specified in the Guidelines.

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5. List the number of populations and the size of each population, providing information specified in the Guidelines.

Population	Population size

6. List all the known locations of each population, providing information specified in the Guidelines (provide maps where appropriate).

Location	Map Grid (AGD or GDA) (please specify datum or define map grid reference)	Year last sighted

7. Describe the extent of potential habitat and extent of survey (provide maps where appropriate).

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8. Identify the criteria in the Guidelines that you consider support the Schedule you have recommended.

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Displayed and numbered in accordance with the _Rules Publication Act 1953_.

Notified in the _Gazette_ on 11 October 2006.

These regulations are administered in the Department of Primary Industries and Water.

Table Of Amendments

Citation	Serial Number	Date of commencement
Threatened Species Protection Regulations 2006	S.R. 2006, No. 108	31.10.2006