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### Threatened Species Protection Regulations 2016

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### Threatened Species Protection Regulations 2016

Version current from 11 October 2016 to date (accessed 23 October 2018 at 14:03)

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TASMANIA

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### Threatened Species Protection Regulations 2016

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

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8 August 2016

C. WARNER

Governor

By Her Excellency's Command,

MATTHEW GROOM

Minister for Environment, Parks and Heritage

## 1. Short title

These regulations may be cited as the Threatened Species Protection Regulations 2016 .

## 2. Commencement

These regulations take effect on 11 October 2016.

## 3. Interpretation

In these regulations –

*Act* means the Threatened Species Protection Act 1995 ;

*deal with*, in respect of a listed taxon, means take, acquire for any consideration, sell, keep, disturb, process, export or import;

*export* means export from the State;

*import* means import into the State;

*listed taxon permit* means a permit issued by the Secretary under regulation 4 ;

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

*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, encourage, 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 listed taxon permit to deal with a listed taxon, or group of listed taxa.

(2) The application for a listed taxon permit 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, other than the applicant, who it is intended will act under the authority of the permit; and
  - (iii) the listed taxon, or group of listed taxa, proposed to be dealt with under the authority of the permit; and
  - (iv) the proposed dealing to be performed with the listed taxon, or group of listed taxa, under the authority of the permit; and
  - (v) the proposed time at which or period within which the permit is to be used; and
  - (vi) the location where the proposed dealing to be performed with the listed taxon, or group of listed taxa, is to occur under the authority 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 listed taxon permit; or
  - (b) request the applicant to provide further information or evidence in relation to the application; or
  - (c) refuse to issue the listed taxon permit.
- (4) In determining whether or not to issue a listed taxon permit, the Secretary is to have regard to –
- (a) the kind of listed taxon, or group of listed taxa proposed to be dealt with under the permit; and
  - (b) the proposed dealing with the listed taxon, or group of listed taxa, to be authorised under the permit; and
  - (c) the applicant's conduct in relation to any previous listed taxon permit; and
  - (d) any other matter the Secretary considers relevant.
- (5) A listed taxon permit is to –
- (a) be in writing; and
  - (b) specify –
    - (i) the listed taxon, or group of listed taxa, that may be dealt with under the permit; and
    - (ii) the dealing authorised by the permit; and
    - (iii) the name of the listed taxon permit holder; and
    - (iv) the name of each person, or class of persons, other than the listed taxon permit holder, who is permitted to act under the authority of the permit; and
    - (v) the period for which the permit remains in force; and
    - (vi) the location at which the dealing authorised under the permit is to be performed; and
    - (vii) any other terms and conditions of the permit; and
  - (c) contain such other information as the Secretary determines.

## **5. General effect of listed taxon permit**

- (1) A listed taxon permit authorises the dealing with the listed taxon, or group of listed taxa, specified in the permit by –
- (a) a person named in the listed taxon permit; and
  - (b) unless the listed taxon permit provides to the contrary, an employee or subcontractor of a person named in the listed taxon permit acting on that person's behalf with his or her written authority.
- (2) The Secretary may amend or revoke a listed taxon permit after giving notice to the listed taxon permit holder of the Secretary's intention to do so.
- (3) The holder of a listed taxon permit must not contravene, or cause or allow another person to contravene, a term or condition of the listed taxon 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 listed taxon 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. Taken listed taxon to be marked and tagged

- (1) This regulation applies to a listed taxon permit that authorises the taking of a listed taxon or group of listed taxa.
- (2) The Secretary, by notice, may require the holder of a listed taxon permit to affix a tag or mark, in the manner specified in the notice, to a listed taxon taken pursuant to the listed taxon permit.
- (3) The Secretary may issue the holder of the listed taxon 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 the listed taxon permit must comply with a notice served 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 in accordance with 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 in accordance with this regulation.

Penalty: Fine not exceeding 100 penalty units.

## 8. Keeping of record of dealing with listed taxon

- (1) In this regulation –

***listed taxon record*** means a record, of a dealing with a listed taxon, that includes –

- (a) the name of the listed taxon; and
- (b) the number of specimens of the listed taxon or, if applicable, the number of eggs or other part of the listed taxon, dealt with; and
- (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; and
- (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.

- (2) The Secretary, by notice, may require the holder of a listed taxon permit to keep a listed taxon record in relation to a listed taxon dealt with in accordance with the permit.

- (3) The holder of the listed taxon permit must comply with the notice served 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.

## 9. Provision of record of dealing with listed taxon

- (1) The Secretary, by notice, may require the holder of a listed taxon permit to give the Secretary, within such period as is specified in the notice, a copy of the listed taxon record kept under regulation 8 that relates to a day or period specified in the notice.

- (2) The holder of the listed taxon permit must comply with the notice served under subregulation (1) .

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.

## **10. False or misleading statements**

A person must not, in keeping or giving any information required 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 and the basis for that knowledge.

Penalty: Fine not exceeding 100 penalty units.

## **11. Nomination for addition or omission of taxon**

For the purposes of section 16(2) of the Act, the form set out in Schedule 1 is the prescribed form.

# SCHEDULE 1 - Nomination form for addition or omission of taxon

Regulation 11

## Nomination for Listing or Delisting Taxon

**Name of nominator:** \_\_\_\_\_

**Address of nominator:** \_\_\_\_\_

**Telephone no. of nominator:** work: \_\_\_\_\_ home: \_\_\_\_\_

**Facsimile no.:** \_\_\_\_\_

**E-mail address:** \_\_\_\_\_

**Signature of nominator:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Name of taxon to be 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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 numbers 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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Notified in the *Gazette* on 17 August 2016