



Queensland

Land Protection (Pest and Stock Route Management) Amendment Regulation (No. 1) 2004

Subordinate Legislation 2004 No. 175

made under the

Land Protection (Pest and Stock Route Management) Act 2002

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1 Short title

This regulation may be cited as the *Land Protection (Pest and Stock Route Management) Amendment Regulation (No. 1) 2004*.

2 Regulation amended

This regulation amends the *Land Protection (Pest and Stock Route Management) Regulation 2003*.

3 Insertion of new pt 2, div 1, hdg

Part 2, before section 4—

insert—

‘Division 1 General provisions’.

4 Replacement of s 4 (Declared pests—Act, s 36)

Section 4—

omit, insert—

‘4 Declared pests—Act, s 36

‘For section 36¹ of the Act—

- (a) the following animals are declared pests for the State of the category class 1 pest—
 - (i) all mammals, reptiles and amphibians, other than a mammal, reptile or amphibian mentioned in schedule 1;
 - (ii) yellow crazy ant (*Anoplolepis gracilipes*); and
- (b) a plant mentioned in schedule 2, part 1, is a declared pest for the State of the category class 1 pest; and
- (c) an animal or plant mentioned in schedule 2, part 2, is a declared pest for the State of the category class 2 pest; and

¹ Section 36 (Declaring declared pests by regulation) of the Act

- (d) an animal or plant mentioned in schedule 2, part 3, is a declared pest for the State of the category class 3 pest.’

5 Replacement of s 6 (Building line for declared pest fence—Act, s 47)

Section 6—

omit, insert—

‘6 Building lines for declared pest fences—Act, s 47

‘(1) For section 47(1)² of the Act—

(a) the following building lines are fixed for fences for dingoes—

(i) the line shown on the relevant maps as ‘main dingo barrier fence’;

(ii) the line shown on the relevant maps as ‘dingo check fence’; and

(b) the line shown on the relevant maps as ‘rabbit fence’ is fixed for a fence for European rabbits (domestic and wild breeds) (*Oryctolagus cuniculus*).

‘(2) In this section—

relevant maps means maps DF01 and DF02 held by the department.³

‘6A Local governments that may build declared pest fence—Act, s 48

‘The local governments for the following shires are prescribed for section 48⁴ of the Act—

(a) Inglewood;

(b) Jondaryan;

2 Section 47 (Fixing building line and declaring pest animal for declared pest fence) of the Act

3 See section 16(4) for when and where a person may inspect a map or other information about a map mentioned in section 6, 9 or 12.

4 Section 48 (Building declared pest fence) of the Act

- (c) Millmerran;
- (d) Stanthorpe;
- (e) Tara;
- (f) Waggamba;
- (g) Wambo;
- (h) Warwick.

**‘6B Period for particular pest survey programs—Act,
s 241**

‘For section 241(4)(f)⁵ of the Act, the period prescribed for a pest survey program approved by the chief executive is 12 months.’.

**6 Replacement of s 7 (Purposes and entities for keeping
declared pest—Act, s 60(2))**

Section 7—

omit, insert—

**‘Division 2 Purposes and entities for
introducing or keeping declared
pest**

‘8 Purpose of div 2

‘This division prescribes, for section 60(2)⁶ of the Act—

- (a) the purposes for which declared pests may be kept; and
- (b) the declared pests that may be kept for the purpose; and
- (c) the entities that may keep the declared pests for the purpose.

5 Section 241 (Approval of pest survey program) of the Act

6 Section 60 (Deciding application) of the Act

‘8A Definitions for div 2

‘In this division—

community organisation means a non-profit organisation whose main purpose is caring for natural resources.

kept includes introduced.

prescribed education program, for a declared pest, means a program under which the pest is—

- (a) kept—
 - (i) for a declared pest animal—securely in a cage or other enclosure that prevents the animal escaping; or
 - (ii) for a declared pest plant—in a way that prevents the reproductive material of the plant being released into the environment; and
- (b) used to provide the public with information about the pest, including, for example, information about the economic, environmental and social impacts of the pest.

‘8B Circus entertainment

‘A declared pest mentioned in schedule 3, part 1, may be kept by a circus for providing entertainment to the public.

‘8C Prescribed education program

- ‘(1) A class 1 pest may be kept by the department for a prescribed education program for the pest.
- ‘(2) A class 2 pest animal may be kept by a following entity for a prescribed education program for the animal—
 - (a) a government entity;
 - (b) a local government;
 - (c) a tertiary institution;
 - (d) a zoo.

- ‘(3) A class 2 pest plant may be kept by a following entity for a prescribed education program for the plant—
- (a) a government entity;
 - (b) a local government;
 - (c) a tertiary institution;
 - (d) a community organisation.

‘8D Magic act

‘A declared pest mentioned in schedule 3, part 2, may be kept by any entity for performing a magic act for members of the public on payment of a fee.

‘8E Scientific research generally

‘A declared pest mentioned in schedule 3, part 3, may be kept by a following entity for scientific research—

- (a) a tertiary institution;
- (b) an entity that performs medical research.

‘8F Scientific research about the pest

‘A class 1 pest or class 2 pest may be kept by a following entity for scientific research about the pest—

- (a) a government entity;
- (b) CSIRO;
- (c) a tertiary institution.

‘8G Display in zoo or filming for prescribed film or television production

‘A declared pest mentioned in schedule 3, part 4, may be kept—

- (a) by an entity in charge of a zoo for display at the zoo; or

- (b) by an entity that is in the business of making film or television productions for filming the pest for a prescribed film or television production.

‘8H Hunting in game park

‘A declared pest mentioned in schedule 3, part 5, may be kept by an entity in charge of a game park for hunting the pest, for a recreational purpose, in the game park.

‘8I Commercial use

‘A declared pest mentioned in schedule 3, part 6, may be kept by any entity for commercial use.

‘8J Maintaining populations

- ‘(1) A declared pest may be kept by a government entity for maintaining populations of biological control organisms for declared pests.
- ‘(2) A class 2 pest plant may be kept by a local government or a community organisation for maintaining populations of biological control organisms for declared pest plants.’.

7 Relocation and renumbering of s 8 (Scientific names)

Section 8—

relocate to part 2, division 1, and *renumber* as section 7.

8 Insertion of new s 10A

Part 3—

insert—

‘10A Prescribed market value of seized stock—Act, s 170

‘For section 170(2)⁷ of the Act, the amount prescribed is \$1 000.00.’.

⁷ Section 170 (Dealing with seized stock) of the Act

9 Amendment of sch 1 (Animals that are not class 1 declared pests)

- (1) Schedule 1, heading—

omit, insert—

‘Schedule 1 Mammals, reptiles and amphibians that are not class 1 pests

section 4(a)(i)’.

- (2) Schedule 1, section 3, ‘The following animals’—

omit, insert—

‘Each of the following’.

10 Amendment of sch 2 (Class 1 declared pest plants, and class 2 and 3 declared pests)

- (1) Schedule 2, heading, ‘declared’—

omit.

- (2) Schedule 2, section 1, entries for hygrophylla, Siam weed and willow—

omit.

- (3) Schedule 2, section 1—

insert—

- hygrophila (*Hygrophila costata*)
- Siam weed (*Chromolaena* spp.)
- willow (*Salix* spp., other than *S. babylonica*, *S. chilensis* (syn. *S. humboldtiana*), *S. matsudana*, *S. x calodendron* and *S. x reichardtii*).

- (4) Schedule 2, section 2, entry for Australian plague locust, ‘Chortoicetus’—

omit, insert—

‘*Chortoicetes*’.

- (5) Schedule 2, section 3, entry for giant sensitive plant, 'invisa'—

omit, insert—

'*diplotricha* var. *diplotricha*'.

- (6) Schedule 2, section 4, entries for blackberry and Singapore daisy—

omit.

- (7) Schedule 2, section 4—

insert—

- blackberry (*Rubus anglocandicans*, *Rubus fruticosus* agg.)
- Singapore daisy (*Sphagneticola trilobata*; syn. *Wedelia trilobata*)
- tortured willow (*Salix matsudana*)'.

11 Amendment of sch 3 (Purposes and pests for declared pest permits)

- (1) Schedule 3, heading, 'section 7'—

omit, insert—

'sections 8B, 8D, 8E, 8G, 8H and 8I'.

- (2) Schedule 3, part 1, heading, after 'Circus'—

insert—

'**entertainment**'.

- (3) Schedule 3, part 2—

omit.

- (4) Schedule 3, part 3, heading—

omit, insert—

'Part 3 Magic act'

- (5) Schedule 3, section 5—
omit, insert—
- ‘5. The following animals—
- African clawed frog (*Xenopus laevis*)
 - owl monkey (*Aotus trivirgatus*)
 - common squirrel monkey (*Saimir sciureus*)
 - European rabbit (domestic and wild breeds) (*Oryctolagus cuniculus*).’.
- (6) Schedule 3, part 5, heading, before ‘film’—
insert—
‘prescribed’.
- (7) Schedule 3, part 5, division 1, heading, division 2, heading and division 3, heading—
omit.
- (8) Schedule 3, section 6, entry for puma—
omit.
- (9) Schedule 3, section 6—
insert—
- cougar or puma (*Felis concolor*)
 - grey dorcopsis (*Dorcopsis luctuosa*)
 - California sea-lion (*Zalophus californianus*)
 - Grevy’s zebra (*Equus grevyii*)
 - harbour seal (*Phoca vitulina richardii*)
 - nilgai (*Boselaphus tragocemelus*)
 - marsh antelope (*Kobus leche kafuensis*).’.

(10) Schedule 3—

insert—

‘Part 5A Game park

‘8A. The following animals—

- blackbuck antelope (*Antilope cervicapra*)
- barbary sheep (*Ammotragus lervia*).’.

(11) Schedule 3, section 9—

omit, insert—

‘9. The following animals—

- feral pig (*Sus scrofa*)
- migratory locust (*Locusta migratoria*).

‘10. Class 2 pest plants.’.

(12) Schedule 3, parts 3 to 5A—

renumber as schedule 3, parts 2 to 5.

(13) Schedule 3, sections 4 to 10—

renumber as schedule 3, sections 2 to 9.

12 Amendment of sch 5 (Fees)

Schedule 5, items 1(a) and 2(a), ‘or 5’—

omit, insert—

‘, 4 or 5’.

13 Amendment of sch 6 (Dictionary)

(1) Schedule 6, definition *zoo*—

omit.

(2) Schedule 6—

insert—

‘class 2 pest animal means a declared pest animal that is a class 2 pest.

class 2 pest plant means a declared pest plant that is a class 2 pest.

community organisation, for part 2, division 2, see section 8A.

game park means a place—

- (a) at which various animal species are kept securely in cages or other enclosures that prevent the animals escaping; and
- (b) that—
 - (i) is either an island or is enclosed by a fence; and
 - (ii) is commonly used by persons for hunting, for a recreational purpose, animals kept at the place; and
 - (iii) is operated by a person who has a high level of experience in animal husbandry for animals of the type kept at the place.

kept, for part 2, division 2, see section 8A.

prescribed education program, for part 2, division 2, see section 8A.

prescribed film or television production means a film or television production in the form of a story, narrative or documentary.

prescribed standard of competency, in zoo-keeping, means a standard of competency in animal care and management that the chief executive is satisfied is—

- (a) relevant to zoo-keeping; and
- (b) consistent with the national competency standards endorsed by the entity known as the Australian National Training Authority.

zoo means a place, including, for example, a theme park or wildlife park—

- (a) at which various animal species are—

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- (i) kept securely in cages or other enclosures that prevent the animals escaping; and
 - (ii) cared for by persons who have—
 - (A) a high level of experience in professionally caring for animals; and
 - (B) a prescribed standard of competency in zoo-keeping; and
 - (iii) displayed, for viewing by the public—
 - (A) at least 5 days a week; and
 - (B) in most weeks of a year; and
 - (C) on payment of a fee or as a community service provided by a local government; and
- (b) that is enclosed by a fence.’.
- (3) Schedule 6, definition *feral pig*, paragraph (b), ‘course’—
omit, insert—
‘coarse’.

ENDNOTES

1. Made by the Governor in Council on 2 September 2004.
2. Notified in the gazette on 3 September 2004.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Natural Resources, Mines and Energy.