



Queensland

Nature Conservation (Wildlife Management) Amendment Regulation (No. 1) 2012

Subordinate Legislation 2012 No. 153

made under the

Nature Conservation Act 1992

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1 Short title

This regulation may be cited as the *Nature Conservation (Wildlife Management) Amendment Regulation (No. 1) 2012*.

2 Regulation amended

This regulation amends the *Nature Conservation (Wildlife Management) Regulation 2006*.

3 Replacement of ch 3, pt 4, div 2, sdiv 1, hdg

Chapter 3, part 4, division 2, subdivision 1, heading—
omit, insert—

‘Subdivision 1 Purposes’.

4 Amendment of s 181 (Purpose of permit)

(1) Section 181, heading, after ‘permit’—

insert—

‘and div 2’.

(2) Section 181(2)—

renumber as section 181(4).

(3) Section 181—

insert—

‘(2) The purpose of this division is to ensure the grant of damage mitigation permits to do authorised acts affecting animals does not adversely affect the conservation of the animals.

‘(3) The purpose mentioned in subsection (2) is achieved by—

(a) allowing the chief executive to grant a damage mitigation permit to do an authorised act affecting an animal only in limited circumstances; and

(b) limiting the activities that a person is authorised to do under a damage mitigation permit; and

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- (c) regulating the activities of persons acting under a damage mitigation permit.’.

5 Amendment of s 185 (Restriction on grant of permit for damage or loss)

- (1) Section 185, ‘damage mitigation permit for’—

omit, insert—

‘damage mitigation permit, other than a permit for taking a flying-fox, for’.

- (2) Section 185—

insert—

- ‘(2) The chief executive may grant a damage mitigation permit for taking a flying-fox, for damage or loss caused, or likely to be caused, by a flying-fox, only if the chief executive is satisfied—

- (a) the flying-fox is causing, or may cause, damage to crops; and
- (b) the landholder of the land on which the flying-fox is causing, or may cause, damage has made a reasonable attempt to take any action the flying-fox damage mitigation code states the landholder must take to prevent or control the damage; and
- (c) if the damage is not prevented or controlled the landholder may suffer significant economic loss as defined under the flying-fox damage mitigation code; and
- (d) action under the permit will not adversely affect the survival of the species of flying-fox in the wild; and
- (e) the landholder is a commercial crop grower for the land; and
- (f) the proposed way of taking the flying-fox complies with the flying-fox damage mitigation code; and

[s 6]

- (g) the proposed way of dealing with the flying-fox after the flying-fox has been taken complies with the flying-fox damage mitigation code.
- ‘(3) Despite subsection (2), the chief executive can not grant a damage mitigation permit for taking a flying-fox of a particular species in a financial year after the total permit number for the species for the financial year has reached the maximum permit number for the species.
- ‘(4) In this section—
 - commercial crop grower*, for the land on which the flying-fox is causing, or may cause, damage, means a person carrying on a business of growing a crop for commercial gain, other than incidentally to a lawful use of the land that does not involve growing a crop.
 - maximum permit number*, for a species of flying-fox, means the number of flying-foxes of that species that the flying-fox damage mitigation code states is the maximum number of flying-foxes of that species that may be taken in a financial year under damage mitigation permits.
 - total permit number*, for a species of flying-fox for a financial year, means the total number of flying-fox of that species for which damage mitigation permits for taking flying-fox have been granted under the Act in the financial year.’.

6 Amendment of s 187 (Taking particular animals authorised)

Section 187(1)(a)—

omit, insert—

- ‘(a) take an animal of a species identified on the permit—
 - (i) if the identified species is a species other than a species of flying-fox—from the place stated on the permit from where the animal may be taken; or
 - (ii) if the identified species is a species of flying-fox—
 - (A) from the place stated on the permit from where the animal may be taken; and

- (B) only in a way that complies with the flying-fox damage mitigation code;’.

7 Insertion of new s 187B

Chapter 3, part 4, division 2, subdivision 3—

insert—

‘187B Killing dependent flying-fox authorised for particular permits

- ‘(1) This section applies if a damage mitigation permit authorises the taking of a flying-fox.
- ‘(2) The holder, or a relevant person for the holder, of the permit may kill another flying-fox if—
- (a) the other flying-fox is attached to a female flying-fox that has been taken under the permit; or
 - (b) the other flying-fox—
 - (i) has been separated from a female flying-fox to which it was attached or upon which it was otherwise dependent; and
 - (ii) is at the place stated on the permit from where a flying-fox may be taken.
- ‘(3) However, the holder or relevant person may kill the other flying-fox only in the way stated in the flying-fox damage mitigation code.’.

8 Amendment of sch 4 (Dictionary)

Schedule 4—

insert—

‘flying-fox damage mitigation code means the document called ‘Code of practice—Ecologically sustainable lethal take of flying-foxes for crop protection’, approved by the chief executive under section 174A of the Act.

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Note—

A copy of the code is open for public inspection, during office hours on business days, at the department's head office and each regional office of the department. See section 174A(3) of the Act.

ENDNOTES

- 1 Made by the Governor in Council on 6 September 2012.
- 2 Notified in the gazette on 7 September 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Environment and Heritage Protection.

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