



Queensland

# Land Protection (Pest and Stock Route Management) Amendment Regulation (No. 1) 2013

## Explanatory Notes for SL 2013 No. 104

made under the

*Land Protection (Pest and Stock Route Management) Act 2002*

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## General outline

### Short title

*Land Protection (Pest and Stock Route Management) Amendment Regulation (No. 1) 2013.*

### Authorising law

Sections 3, 4 and 309 of the *Land Protection (Pest and Stock Route Management) Act 2002* (the Act).

### Policy objectives and the reasons for them

The purpose of the subordinate legislation is to:-

- allow for the issuing of declared pest permits for hog deer and sambar deer authorising game parks to keep and farm these animals;
- ease the burden on existing businesses by eliminating any risk of compliance action and associated costs to game park owners who would be in breach of the legislation if there was no provision for

declared pest permits to be issued for the keeping of hog deer and sambar deer;

- enhance business viability by enabling game parks to broaden the range of stock of declared pest animals which they may keep for game hunting activities;
- update the Regulation to correct a changed organisation title and an outdated Act reference; and
- address an inconsistency between the Act and the *Land Protection (Pest and Stock Route Management) Regulation 2003* (the Regulation) with regard to applications to extend the compliance period for a pest control notice.

### **Achievement of policy objectives**

The subordinate legislation achieves the objectives by amending Schedule 3, part 5 of the *Land Protection (Pest and Stock Route Management) Regulation 2003* to prescribe hog deer and sambar deer as declared pest animals for which a declared pest permit may be issued to allow their keeping for game park activities. The subordinate legislation adds these two species of deer to the existing two species of declared pest animals that may be kept for this particular purpose.

Since the commencement of the Regulation, the Office of the Queensland Parliamentary Counsel have themselves identified a number of minor matters which require amendment. Consequently, the subordinate legislation amends the Queensland Cane Growers' Association Ltd to the Queensland Cane Growers' Organisation Ltd and corrects the outdated reference in section 15 to the repealed *Local Government Act 1993* and replaces it with the *City of Brisbane Act 2010* and the *Local Government Act 2009*.

The subordinate legislation rectifies the inconsistency between the Act and the Regulation through the amendment of Schedule 5 to omit the fee for an application to extend the compliance period for a pest control notice.

### **Consistency with policy objectives of authorising law**

The subordinate legislation is consistent with the objectives of the Act which in part are to provide for pest management for land. This is achieved

by restricting the keeping of declared pests and preventing their spread throughout the State.

### **Inconsistency with policy objectives of other legislation**

The subordinate legislation is consistent with the policy objectives of other legislation which provides for the management of pest animals.

### **Benefits and costs of implementation**

The benefit of the subordinate legislation is that it will allow Kingham Safaris (currently in possession of these two species of deer) and potentially other game parks in Queensland, to offer a broader range of species to hunt. This will have resultant benefits for regional tourism and economies to which game parks contribute.

The only potential negative impact to the subordinate legislation would arise where these species of deer escape from the confines of the game park enclosure into the broader environment. This may result in detrimental impacts for surrounding properties and localised primary production. However due to the stringent permit conditions imposed on game parks this is a manageable risk.

### **Consistency with fundamental legislative principles**

The subordinate legislation is consistent with fundamental legislative principles.

### **Consultation**

Consultation was undertaken with the Queensland Farmers Federation (QFF) and AgForce, neither of which objected to the proposed amendment of the Regulation to allow the keeping of hog deer and sambar deer for the purpose of game parks. The Office of Best Practice Regulation within the Queensland Competition Authority was consulted with regard to Regulatory Impact Statement requirements and advised on 5 April 2013 that this regulatory proposal would not require a RIS to be prepared as it does not attract significant impacts.

Consultation was undertaken with the Local Government Association of Queensland and the Department of Local Government, Community

Recovery and Resilience with regard to the omission of the fee. Neither objected to this amendment.

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#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Agriculture, Fisheries and Forestry.

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