

Land Protection (Pest and Stock Route Management) Amendment Regulation (No. 1) 2015

Explanatory Notes for SL 2015 No. 4

made under the

Land Protection (Pest and Stock Route Management) Act 2002

General Outline

Short title

Land Protection (Pest and Stock Route Management) Amendment Regulation (No. 1) 2015

Authorising law

Sections 60 and 309 of the *Land Protection (Pest and Stock Route Management) Act 2002* (the Act).

Policy objectives and the reasons for them

A permit to introduce or keep species for use in zoos or in film or television productions can only be granted if the animal is listed in part 4 of schedule 3 of the *Land Protection (Pest and Stock Route Management) Regulation 2003* (the Regulation). This applies even if the risks of exhibiting the animal are low or can be minimised.

Queensland zoos could be prevented from participating in some captive breeding programs for endangered exotic species that are not listed and could be at a competitive disadvantage because they cannot display animals that are exhibited in other States. Film production companies may be prevented from remaining competitive with other Australian jurisdictions and internationally.

The subordinate legislation adds six species to part 4, schedule 3 of the Regulation.

The white-headed capuchin monkey (*Cebus capucinus*) is to be added to allow it to be used under permit for film productions and to be kept in zoos. Listing of this species will only slightly expand the current risk given that the black-capped capuchin (*Cebus apella*) and the white-fronted capuchin (*Cebus albifrons*) are already listed.

Cape porcupine (*Hystrix africae australis*) has recently been added to the *List of Specimens Suitable for Live Import* for the purpose of zoo exhibition by the Federal Government and it is also being added to part 4 of schedule 3. Listing of Cape porcupine will only slightly expand the current risk given African porcupine (*Hystrix cristata*), a species similar to the Cape porcupine, is already listed.

Capybara (*Hydrochoerus hydrochaeris*), meerkat (*Suricata suricatta*) and Patagonian mara (*Dolichotis patagonum*) are considered as only posing a moderate threat and are all already in Australia in other jurisdictions. Listing of veiled chameleon (*Chamaeleo calytratus*) will only slightly expand the current risk given that a similar species, the Jackson's chameleon (*Chamaeleo jacksonii*), is already listed in the schedule.

Despite the listing of these species, zoos and film or television productions will still need to apply for permits to keep them. A permit can only be granted if the applicant satisfies the chief executive that the activities are not likely to lead to the establishment and spread of the pest in the State.

Achievement of policy objectives

The subordinate legislation achieves its objectives by adding Cape porcupine (*Hystrix africae australis*), capybara (*Hydrochoerus hydrochaeris*), meerkat (*Suricata suricatta*), Patagonian mara (*Dolichotis patagonum*), veiled chameleon (*Chamaeleo calytratus*), and white-headed capuchin monkey (*Cebus capucinus*) to schedule 3 part 4 of the Regulation.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the objectives of the authorising law which is to generally provide for pest management of the land and management of the stock route network.

Inconsistency with policy objectives of other legislation

The subordinate legislation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

A permit for the introduction of keeping of species for use in zoos or in film or television productions can only be granted if the animal is listed under part 4 of schedule 3 of the Regulation. This applies even if the risks of exhibiting the animal are low or can be minimised.

Benefits and costs of implementation

There are no direct financial costs or benefits to Government. The subordinate legislation will benefit the zoo sector as they will be able to exhibit these additional species allowing them to be competitive with zoos in other states.

The Queensland Government provides significant investment into attracting film productions to the State to support the local industry. The subordinate legislation will allow use of more species for use in these films.

Consistency with fundamental legislative principles

The subordinate legislation is consistent with fundamental legislative principles.

Consultation

The Zoo and Aquarium Association Australasia - Queensland Branch has requested that Patagonian mara, capybara, veiled chameleon and meerkat be added to the declared pest permit list to allow them to be kept in zoos. The purpose is for them to be maintained for education and advocacy purposes, to support the illustration of biodiversity, demonstrate taxonomic uniqueness, create a connection between people and wildlife and provide captive spaces in support of the Australian population.

The Exhibited Animals Liaison Working Group, which includes three members from the zoo sector, a wildlife demonstrator and the RSPCA, has been consulted regarding the listing of Patagonian mara, capybara, veiled chameleons, meerkat and Cape porcupine and indicated their support for the amendment provided the permits for veiled chameleon are conditioned appropriately.

The Department of the Premier and Cabinet has been consulted and supports the declaration of the proposed additional species.

The Office of Best Practice Regulation (OBPR) within the Queensland Competition Authority was consulted with regard to Regulatory Impact Statement (RIS) requirements. The OBPR advised that the subordinate legislation appears to be risk appropriate and unlikely to result in significant adverse impacts and therefore a RIS is not required.