



Queensland

Land Protection Legislation (Flying-fox Control) Amendment Bill 2012



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2012

A Bill

for

An Act to amend the *Land Protection (Pest and Stock Route Management) Act 2002* and the *Nature Conservation Act 1992* to control the health risks posed by flying-foxes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Land Protection Legislation
(Flying-fox Control) Amendment Act 2012.* 4
5

**Part 2 Amendment of Land Protection
(Pest and Stock Route
Management) Act 2002** 6
7
8

Clause 2 Act amended 9

This part amends the *Land Protection (Pest and Stock Route
Management) Act 2002.* 10
11

Clause 3 Insertion of new ch 2, pt 11 12

After section 96— 13

insert— 14

‘Part 11 Control of flying-foxes 15

‘96A Definitions for pt 11 16

In this part— 17

drive away, a flying-fox, includes— 18

-
- (a) cause the flying-fox to move away from a flying-fox roost; and 1
2
- (b) if the flying-fox has moved away from a flying-fox roost, deter the flying-fox from returning to the roost. 3
4
- Examples of ways of driving away a flying-fox—* 5
using sound, light, smoke, electric current or chemicals 6
- flying-fox*** means a mammal of the genus *Pteropus*. 7
- flying-fox roost*** means a tree or other place where flying-foxes congregate from time to time for breeding or rearing their young. 8
9
10

‘96B Relationship with other provisions of this Act and other Acts 11
12

- (1) This section applies despite— 13
- (a) any other provision of this Act; or 14
- (b) any other Act, including, for example, a regulation or conservation plan under the *Nature Conservation Act 1992*. 15
16
17
- (2) To remove any doubt, it is declared that this section does not create an obligation on a landowner under another provision of this Act. 18
19
20
- Example—* 21
This section does not make a landowner responsible to keep land free of flying-foxes under section 77 of this Act. 22
23

‘96C Control of flying-foxes 24

- (1) This section applies if a landowner in a local government area reasonably believes that the removal or destruction of a flying-fox is necessary to reduce the risk of disease or harm to a resident of the local government area or stock in the local government area. 25
26
27
28
29
- (2) A landowner may do any of the following on the owner’s land— 30
31

[s 4]

- (a) destroy a flying-fox; 1
 - (b) disturb or drive away a flying-fox; 2
 - (c) destroy or disturb a flying-fox roost. 3
- (3) If the landowner is a local government, the local government 4
must consider the following issues in deciding whether action 5
under subsection (2) is necessary— 6
- (a) the size of the population of flying-foxes in the local 7
government area; 8
 - (b) how long the flying-foxes have been situated in the local 9
government area; 10
 - (c) the level of risk associated with the location of the 11
flying-foxes. 12
- Example for paragraph (c)—* 13
- A flying-fox roost located near a school playground has a higher level of 14
risk than a flying-fox roost located outside a town area. 15
- (4) The Minister may direct a local government to take action 16
under subsection (2) if— 17
- (a) the local government has decided not to take the action; 18
and 19
 - (b) the Minister considers the action is appropriate having 20
regard to subsection (3). 21
- Note—* 22
- Taking action under this section may require an approval under the 23
Environment Protection and Biodiversity Conservation Act 1999 24
(Cwlth).'. 25

Clause 4 Amendment of sch 3 (Dictionary) 26

- (1) Schedule 3, definition *animal*— 27
- omit, insert—* 28
- 'animal—* 29

-
- (a) means a member of the animal kingdom other than a human or a protected animal under the *Nature Conservation Act 1992*; and
- (b) includes the whole or any part of the progeny, larvae, pupae, eggs or genetic or reproductive material of the animal; and
- (c) despite paragraph (a), includes a flying-fox.’
- (2) Schedule 3—
insert—
‘flying-fox see section 96A.’

Part 3 **Amendment of Nature Conservation Act 1992**

- Clause 5** **Act amended**
This part amends the *Nature Conservation Act 1992*.
- Clause 6** **Omission of s 88C (Restrictions relating to flying-foxes and flying-fox roosts)**
Section 88C—
omit.