

Operational policy

Natural Resource Management

Management of pests on QPWS managed areas

Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of Environment and Science. Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.

Policy issue

How are pests managed on land managed by the Queensland Parks and Wildlife Service (QPWS)?

Definitions

Pest means any animal, plant, parasite or disease causing organism (such as bacteria, virus or fungus) capable of causing adverse impacts to environmental, economic or social values, whether or not it is declared and listed in the Land Protection (Pest and Stock Route Management) Regulation 2003.

Pest management includes all activities involved in the planning, detection, control, monitoring or eradication of pests in QPWS managed areas.

QPWS managed areas include:

- protected areas (State land) managed under the *Nature Conservation Act 1992*;
- State forests and other lands managed under the *Forestry Act 1959*;
- recreation areas managed under the *Recreation Areas Management Act 2006*;
- marine parks managed under the *Marine Parks Act 2004*; and
- other areas managed by QPWS including a range of freehold lands, *Land Act 1994* reserves and other tenures.

QPWS Pest Management System refers to a system to facilitate pest management planning and reporting which guides operational implementation, including monitoring, on all QPWS managed areas.

Background

Pests have the potential to cause significant adverse environmental, economic and social impacts on QPWS managed areas and surrounding lands.

Pest plants can invade natural communities and replace native plants. They can change the intensity and frequency of fire and significantly change the structure, composition and function of ecosystems. Pest animals can have major impacts on natural communities by preying on native animals, by competing for their food and by damaging ecosystems. Some pests damage specific habitats or species; while others can affect numerous species, ecological processes and ecosystems.

All pests can have a significant effect on the productive capacity of rural lands surrounding QPWS managed areas. Pest animals may carry diseases of livestock and humans and can also adversely affect the recreational values of QPWS managed areas.

QPWS is obligated to manage pests (both declared and undeclared) under both Commonwealth and State legislation, including the:

- *Land Protection (Pest and Stock Route Management) Act 2002*
- *Nature Conservation Act 1992*
- *Forestry Act 1959*
- *Environmental Protection and Biodiversity Conservation Act 1999 (Cth)*
- *Health Act 1937*
- *Animal Care and Protection Act 2001.*

QPWS has a Pest Management System to help meet these obligations and to guide pest management planning and actions. The system encourages an integrated and long-term approach to managing pests.

Pest management priorities for QPWS are to:

- protect the natural and cultural values of all QPWS managed areas, including threatened species and ecosystems, by eradicating pests or significantly reducing their impacts
- meet the legislative requirements of the *Land Protection (Pest and Stock Route Management) Act 2002* regarding declared pests on QPWS managed areas
- undertake cooperative pest management activities with neighbouring land managers, other government agencies and local government in accordance with the *QPWS Operational Policy – Good neighbour policy*.

Policy statement

The QPWS Pest Management Plan prepared under the requirements of the *Land Protection (Pest and Stock Route Management) Act 2002* has been implemented and is periodically reviewed.

The QPWS Pest Management System and ParkInfo databases will be used to plan, manage, record and monitor all pests and pest management on QPWS managed areas.

Where practical and appropriate, QPWS will participate cooperatively in pest management planning and implementation across the landscape with surrounding land managers, other government departments, local governments and utility providers (e.g. power, telephone, water providers) to ensure landscape-level pest management is successful.

All pest management principles outlined in the *QPWS Operational Policy – Good neighbour policy* will be followed.

Any pest management on QPWS managed areas must not adversely affect the natural integrity (an area's natural condition and cultural resources and values) of the QPWS managed area and use the best available scientific and technical knowledge.

Pest management operations will be supported by developing and implementing relevant QPWS policies and procedural guides.

All pest management will adhere to the legislative requirements of the *Animal Care and Protection Act 2001*.

All pest management activities using firearms will be consistent with the *QPWS Firearms Manual*.

The QPWS will participate in and/or facilitate research by others into the impacts, ecology and control of pests on QPWS managed areas.

Planning for pest management will be integrated with all other planning processes conducted for, or relevant to a particular QPWS managed area.

Management of native wildlife on QPWS managed areas will only be carried out where necessary to meet legislative pest management obligations and to reduce threats to other native wildlife, the values of QPWS managed areas, their users and neighbouring lands.

Procedures

Use of the QPWS Pest Management System

The QPWS Pest Management System is to be used to plan and implement all pest management on QPWS managed areas. The system includes documents that provide planning and/or strategic direction for pest management at different geographical scales and guides and outlines specific on ground activities.

All QPWS managed areas will be required to be included in an approved *Level 2 Pest Management Strategy* that outlines and guides on ground pest management priorities and actions.

A Pest Management Activity Proposal must be approved prior to carrying out any pest management activity. The activity proposal is used to detail specific operational information about a particular pest or pests. A Pest Management Activity Report summarises the outcome of operations conducted under a Pest Management Activity Proposal.

For information about how to use the Pest Management System, including the review and approval process for Pest Management Strategies and Activity Proposals, see the *Pest Management System Manual* or contact a QPWS staff member who has been trained in using the system. Details can be found online at: QPWS Pest Management System.

Humane pest animal management

All pest animal management activities must use approved humane methods at all times, as set out under the *Animal Care and Protection Act 2001* and Regulation 2002, including the *Model code of practice for the welfare of animals – Feral livestock animals destruction or capture, handling and marketing* (see below). Refer to Appendix 1 for a summary of currently endorsed methods.

Codes of practice and standard operating procedures prepared by Industry and Investment NSW for the Federal Department of Environment may also be used as guides for conducting humane pest animal management activities.

These and other documents are listed below and are available on the: QPWS Pest Management pages.

- *Model code of practice for the welfare of animals – Feral livestock animals: destruction or capture handling and marketing*, prepared for the Standing Committee on Agriculture, Animal Health Committee, published by CSIRO, 1991, SCA Technical Report Series No. 34.
- *Australian model code of practice for the welfare of animals – Land transport of cattle*, prepared for the Standing Committee on Agriculture and Resource Management, published by CSIRO, 1999, SCARM Report No. 77.
- *Model code of practice for the welfare of animals – Land transport of horses*, prepared for the Standing Committee on Agriculture and Resources Management, published by CSIRO, 1998, SCARM Report No. 62.

- *Model code of practice for the welfare of animals – Livestock at slaughtering establishments*, prepared for the Standing Committee on Agriculture and Resource Management, published by CSIRO, 2001, SCARM Report No. 79.
- *Model codes of practice for the humane control of rabbits, wild dogs, foxes, feral horses, pigs, goats and cats*, prepared by Bureau of Rural Sciences Invasive Animal Cooperative Research Centre.
- Standard operating procedures prepared by Bureau of Rural Sciences Invasive Animal Cooperative Research Centre for:
 - ground shooting of rabbits, wild dogs, foxes, feral horses, pigs, goats and cats
 - aerial shooting of feral horses, goats and pigs
 - mustering of feral horses and goats
 - trapping of rabbits, wild dogs, foxes, feral horses, pigs, goats and cats.

Pest management by authority holders

Where an authority holder (such as a lessee) has responsibility for pest management on QPWS managed areas, appropriate conditions that are consistent with this policy will be attached to the relevant authority.

Responsibility for pest management on QPWS areas by authority holders extends to meeting legislative requirements of the *Land Protection (Pest and Stock Route Management) Act 2002* particularly regarding management of declared pests.

Pest management activities carried out by authority holders must be consistent with this policy, the QPWS Pest Management System and meet the requirements of the *QPWS Firearms Manual*. Relevant QPWS staff should be involved in the planning and/or implementation of any pest management activities and be regularly informed about their progress.

Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved By

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Signature

3 August 2011

Date

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Appendix 1 – Endorsed pest species management methods

Species	Endorsed pest species management methods*						
	Exclusion	Aversion	Capture	Biological	Chemical	Human Destruction using firearms	Other
Pigs	✓		✓		✓	✓	
Foxes	✓ ¹		✓		✓	✓	
Goats	✓		✓			✓	
Wild dogs	✓	✓	✓		✓	✓	
Cats	✓		✓		✓	✓	
Deer	✓		✓			✓	
Horses	✓		✓			✓ ²	
Cattle	✓		✓			✓	
Rabbits				✓	✓	✓	✓ ³
Camels			✓			✓	
Buffaloes			✓			✓	
Donkeys			✓			✓	
Birds		✓	✓			✓	
Rats					✓		
Mice					✓		
Fish			✓				✓ ⁴

***Non-lethal methods are to be given preference where applicable.**

¹ Only for small areas which are intensively managed

² Strict case by assessment, liaison with Operational Support Unit required and approval by the relevant Regional Manager for the region in which the action is proposed

³ Burrow ripping – accepting only when rabbit populations are low

⁴ Electrocutation

Operational policy

Natural Resource Management

Removal and disposal of stock on QPWS Protected Areas (*Nature Conservation Act 1992*)

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PART 1 – POLICY STATEMENTS

1. Purpose

The purpose of this operational policy is to ensure consistent decision-making for the removal and disposal of stock from Queensland Parks and Wildlife Service (QPWS) managed protected areas under the *Nature Conservation Act 1992* (NCA).

The desired outcomes of this policy include:

- protecting and maintaining the conservation values of protected areas (NCA);
- providing a clear process for the timely and lawful removal of all unauthorised, diseased or unclaimed stock found on QPWS managed protected areas; and
- achieving positive working relations with neighbours, joint management partners and permit holders to manage authorised, unauthorised, diseased or unclaimed stock on QPWS managed protected areas.

Note: The process for stock removal and disposal from QPWS estate managed under the *Forestry Act 1959* is outlined in section 72 of the Act and is not incorporated in this policy. However the overarching principles of this policy, specifically in achieving positive working relationships with neighbours and permit holders, may be applied where possible.

2. Background

Stock are often present on protected areas. To help determine the appropriate management action, they can be classed as authorised or unauthorised. They may also be diseased, unmanageable, unclaimed or be the subject of disputed ownership.

The unauthorised presence of stock on Queensland protected areas conflicts with the conservation goals, management principles and legislative requirements of the *Nature Conservation Act 1992*. Section 94 of the *Nature Conservation (Protected Areas Management) Regulation 2006*, requires that a person in charge of stock on land adjoining or near a protected area must take all reasonable steps to ensure the stock do not stray onto the protected area. Given that stock ingress is often due to the absence of or damage to fences, a clear process is required which allows owners to remove stock in a timely manner and provides clear direction for officers if removal is not achieved.

The management principles for the protected areas to which this policy applies are contained in Division 1 of Part 4 of the *Nature Conservation Act 1992*.

Operational policy

Removal and disposal of stock on QPWS Protected Areas (Nature Conservation Act 1992)

Appendix 1 is a simplified diagram depicting an overview of the process and Appendix 2 contains other general considerations.

3. Policy

Consistent with the relevant provisions of the *Nature Conservation Act 1992*, authorised grazing of stock on protected areas may occur where:

- a stock grazing permit is issued pursuant to Part 4 of the Nature Conservation (Protected Areas Management) Regulation 2006, which restricts the granting of permits to regional parks only (N.B. “regional park” areas were previously known as either conservation parks or resources reserves); or
- an authority or term lease is issued under the *Land Act 1994* pursuant to the *National Parks and Wildlife Act 1975* (as passed) or the *Nature Conservation Act 1992*; or
- a “previous use” authority is issued under section 36 of the *Nature Conservation Act 1992*; or
- it is approved by the chief executive as a “controlling activity” under section 46 of the Nature Conservation (Protected Areas Management) Regulation 2006.

Stock must be removed from QPWS managed protected areas in the following circumstances:

- Unauthorised stock — stock on a protected area or reserve which are not the subject of an authority listed above or, while they are the subject of an authority listed above, the terms and conditions of the authority in question are not being complied with;
- Diseased stock — stock suffering a notifiable disease as defined under the provisions of the *Stock Act 1915*;
- Unclaimed stock — stock for which ownership cannot be established, ownership is in dispute, or has not been claimed; and/or
- Unmanageable stock — stock that cannot be mustered due to their condition (animal welfare) or due to dangerous and inaccessible terrain. In these circumstances, it may be determined that humane destruction is the only reasonable removal strategy.

The removal of stock from QPWS managed protected areas will be efficient, lawful and humane in accordance with relevant statutory requirements and the guidelines outlined in this policy.

Stock may only be removed from QPWS managed protected areas with the approval of a delegated QPWS officer (in the form of a Pest Management Activity Proposal) and/or by the holder of an authority or a Stock Mustering Permit.

Where ownership of stock can be established beyond doubt, the owner is responsible for the stock’s removal from the protected area at the owner’s cost, and in accordance with:

- the timeframes outlined in this policy (see section 6 of this policy); and
- the terms and conditions of the relevant Stock Mustering Permit or Pest Management Activity Proposal.

Disputes about the ownership of stock found on QPWS managed protected areas will be adjudicated by officers of Biosecurity Queensland (Department of Agriculture and Fisheries) or will be decided by a court under section 39 of the *Justices Act 1886* (power of court to order delivery of certain property). See Appendix 3 for further information about the ownership of stock.

Unauthorised stock will be seized by QPWS only as a last resort (see section 8 of this policy).

Stock may only be destroyed under certain circumstances (see section 10 of this policy).

Subject to the terms and conditions of a Stock Mustering Permit or Pest Management Activity Proposal, QPWS will expect a permit holder to take all reasonable measures to remove unauthorised stock from the protected area within the timeframe specified in the permit.

4. Definitions

Deed of Relinquishment means a deed poll for the relinquishment of ownership of stock. A deed between the State and the owner of the stock relinquishing ownership of described stock within a defined area for an agreed term (duration), a template for which is set out in Appendix 4. This enables the State to dispose of the stock without dispute of ownership.

Feral stock means stock living in a wild state that is a member of a class of animals that usually live in a domestic state.

Forced Muster Order means, an order by a Magistrates Court under the *Police Powers and Responsibilities Act 2000* (PPR Act) for the mustering and removal of stock from a place managed or controlled by a person other than the owner.

General Muster means a muster of stock on State land initiated by the State under section 145 of the Nature Conservation (Protected Areas Management) Regulation 2006 (see section 6 of this policy).

Individual Muster means a muster of stock on State land initiated by an individual owner of stock, or a relevant landholder, under a Stock Mustering Permit.

Joint Muster means a muster of stock on State land initiated by stock owners and/or relevant landholders where each participating party applies for and obtains a Stock Mustering Permit for the appropriate period of time and has prepared a Stock Mustering Plan (see section 6 of this policy).

Owner is a person who has ownership of a thing and, for a thing that has been seized, includes a person who would be entitled to possession of the thing had it not been seized, as defined in the *Animal Care and Protection Act 2001*. Additionally, Schedule 9 of the Nature Conservation Administration Regulation 2006 states that owner of a seized thing, means –

- a) if the chief executive is aware of the actual owner of the thing immediately before the seizure – the owner; or
- b) otherwise – a person who would be entitled to the possession of the thing had it not been seized.

Ownership is the right to the exclusive enjoyment of a thing, such that the owner may freely use or dispose of that property. Ownership cannot be divested without the owner's act or consent.

Pest Management Activity Proposal means an agreed strategy about a defined QPWS managed area which addresses how pests in that area will be managed (see section 5 of this policy).

Protected area (for the purposes of this operational policy) means State land managed under the *Nature Conservation Act 1992*, specifically:

- a national park; or
- a national park (Aboriginal land); or
- a national park (Torres Strait Islander land); or
- a national park (Cape York Peninsula Aboriginal land); or
- a regional park.

Relevant Landholder, for a protected area, has the same meaning as in section 145(9) of the Nature Conservation (Protected Areas Management) Regulation 2006, that is, a landholder of land that adjoins the protected area.

Seizure means to take possession of by legal authority, to confiscate.

Stock has the same meaning as in Schedule 7 to the Nature Conservation (Administration) Regulation 2006, that is, alpacas, buffalo, camels, cattle, donkeys, deer, goats, horses, llama, ostriches, peafowl and sheep.

Stock Mustering Permit authorises the holder of the permit, or a relevant person for the holder, to muster stock in the protected area, or the part of a protected area, stated on the permit, pursuant to section 58 of the Nature Conservation (Protected Areas Management) Regulation 2006.

Stock Mustering Plan means the plan required of an individual owner and/or a group of two or more owners who have been issued a Stock Mustering Permit/s with a term of greater than 60 days or are involved in a Joint Muster or General Muster. The Stock Mustering Plan describes how the owner/s will deal with the stock and any associated infrastructure during, and immediately after, the muster (see template at Appendix 5).

Welfare of an animal, has the same meaning as in the *Animal Care and Protection Act 2001*, that is, issues about the health, safety or wellbeing of the animal.

PART 2 – POLICY IMPLEMENTATION

5. Pest Management Activity Proposal

Any on-ground pest management operation on QPWS protected areas must have a Pest Management Activity Proposal prepared by regional staff and approved by the Regional Director prior to any work being carried out. A Pest Management Activity Proposal is used to detail specific operational information about pests on QPWS managed protected areas and their management. It may incorporate multiple reserves and multiple pest species where the management or control activities are the same or very similar. A Pest Management Activity Proposal for the purpose of removal and disposal of stock on QPWS protected areas will refer to the process as outlined in this policy. Templates can be accessed via RangerBase at: <http://qpws/pest-management/pest-management-system>

6. Stock Mustering Permits

Purpose: A Stock Mustering Permit may be issued under chapter 4, part 5, of the Nature Conservation (Protected Areas Management) Regulation 2006 for the mustering of stock in QPWS managed protected areas. A Stock Mustering Permit authorises the holder of the permit, or a relevant person for the holder, to muster stock in a particular area in accordance with the terms and conditions of the permit. A Travelling Stock Permit may be issued when an alternative practical route around a protected area cannot be found (part 6 of the Nature Conservation (Protected Areas Management) Regulation 2006) and it is necessary for stock to pass through the protected area.

Responsibility: If unauthorised stock are in/or gain access to a protected area, it is the stock owner's responsibility to lodge an application for a Stock Mustering Permit to remove unauthorised stock from a protected area within the period of time, as determined reasonable by the permit delegate (see Period of Issue below). However, if a General Muster is to occur, this is coordinated by QPWS, and QPWS will arrange for Stock Mustering Permits to be issued to all parties participating in the muster. In the case of a Joint Muster, it is the responsibility of the parties to coordinate the muster and obtain the necessary permits from QPWS. QPWS must respond to requests in a timely manner, taking no longer than 14 days to respond to applications.

Operational policy

Removal and disposal of stock on QPWS Protected Areas (Nature Conservation Act 1992)

If a QPWS officer is aware that branded or tagged unauthorised stock are present on a QPWS managed protected area, and the owner of the stock can be identified, the owner will be notified in accordance with section 126 of the Nature Conservation (Protected Area Management) Regulation 2006. If the owner fails to apply for a Stock Mustering Permit within 14 days, a seizure process may be commenced to deal with the stock in accordance with section 8 of this policy.

If a QPWS officer is aware that there are unbranded stock on a QPWS managed protected area, QPWS will issue a notice to the Relevant Landholders of the protected area, giving them 14 days to claim ownership of the stock with sufficient proof. If a verifiable claim of ownership is made, a Stock Mustering Permit with a term of up to 60 days will be issued to the owner so they can retrieve their stock from the protected area (if a permit with a longer term is required, the owner will need to prepare a Stock Mustering Plan in accordance with this policy). If no verifiable claim of ownership is made within the 14-day period, QPWS will be entitled to seize and deal with the stock in accordance with section 8 of this policy. See Appendix 2 for further information about the ownership of stock.

Period of Issue: A Stock Mustering Permit is normally issued for up to 60 days, but may be issued for a period of up to 12 months (section 19(d) of the Nature Conservation (Administration) Regulation 2006). A term of more than 60 days will only be granted under exceptional circumstances, such as where:

- the incursion by stock is a result of flood, fire or other natural disaster that has removed boundary fencing or flood gates, and, which, in the opinion of the relevant QPWS officer, cannot be repaired for some time; or
- such a term will improve the outcomes of or add extra flexibility to phase-out negotiations following land purchases; or
- the term is associated with an approved Pest Management Activity Proposal where an extended period of mustering needs to take place to remove all stock from an area.

If the period applied for is greater than 60 days, the application must be accompanied by a Stock Mustering Plan. This plan must be prepared by the applicant—i.e. neighbours, Land Trusts, owners claiming stock—and be submitted with the Stock Mustering Permit application. It must contain justification of why a period of greater than 60 days is needed (the 'exceptional circumstances'), and information about the actions, timing, resources and risks of the specific mustering operation. The exceptional circumstance must be clearly outlined.

Condition of Issue: The holder of a Stock Mustering Permit, or relevant person for the holder, must comply with:

- the terms and conditions of the Stock Mustering Permit—including conditions as to the removal of infrastructure installed in association with the muster—and any other conditions the delegate has deemed it necessary to include;
- the *Animal Care and Protection Act 2001* and the *Stock Act 1915*, with particular regard to animal welfare codes of practice;
- the Stock Identification Regulation 2005 in terms of the identification and movement of stock;
- pest management control procedures for the area; and
- cattle tick control or notifiable disease strategies applicable to the area.

While there is a standard set of conditions for Stock Mustering Permits, conditions specific to the application may be imposed.

Where appropriate, a suitably authorised QPWS officer may allow the holder of a Stock Mustering Permit to place feed sources, such as salt lick, at appropriate points on the protected area before the commencement of

the term of the permit in order to attract the permit-holder's stock to the area and expedite the mustering process which starts when the permit commences.

When to Issue: A Stock Mustering Permit may be issued in the following situations.

General Muster

QPWS may conduct a General Muster pursuant to section 145 of the Nature Conservation (Protected Areas Management) Regulation 2006 to:

- remove stock which are the subject of an ownership dispute;
- manage circumstances where cooperation between neighbouring landholders to remove stock cannot be achieved;
- remove stock where an owner has not complied with terms and conditions for removal as set out under a Stock Mustering Permit, or Pest Management Activity Proposal, or otherwise under section 145(7) the Nature Conservation (Protected Areas Management) Regulation 2006; or
- remove stock under an approved Pest Management Activity Proposal.

A General Muster to remove unauthorised stock will normally occur only once in any 12-month period on any particular protected area.

A General Muster may not be required over areas where a Joint Muster is achievable. A General Muster is conducted by QPWS, and a Pest Management Activity Proposal will be prepared to inform the procurement process to select and engage a contractor to perform the General Muster for a particular area or aggregation of parks, in accordance with the terms of the Queensland Procurement Policy. Procurement advice must be sought before a General Muster can be considered.

A Biosecurity Queensland inspector will be notified of the potential need to adjudicate on ownership of the stock. As a final resort, ownership disputes will be settled using the mechanism contained in section 39 of the *Justices Act 1886*.

Section 145 of the Nature Conservation (Protected Areas Management) Regulation 2006 requires that each Relevant Landholder for the General Muster area must receive notice of the General Muster at least 5 business days prior to commencement. However, in keeping with the principle of good neighbour relations, the Regional Director may extend the notification timeframe to afford neighbours ample opportunity to coordinate their mustering activities or involvement in the General Muster. It is therefore recommended that a minimum of two weeks' notice be provided.

Where stock are mustered but are not claimed, those stock may be seized and dealt with by the department, as per the procedures in section 8 of this policy.

Individual Muster

An Individual Muster is the removal of stock by the owner of branded/identifiable stock. In this instance, a Stock Mustering Permit will be issued to the owner or their agent.

A Stock Mustering Permit will not be issued to the individual owner if a General Muster is planned for that area unless:

- a Relevant Landholder wishes to cooperate in the General Muster and the participation is outlined in a Stock Mustering Plan; or
- exceptional circumstances exist and the objective is to only retrieve identifiable stock.

Joint Muster

Joint Musters may be conducted when a co-operative muster of stock can be undertaken simultaneously by a number of Relevant Landholders of a protected area to remove stock potentially owned by those Relevant Landholders.

All Relevant Landholders will be given the opportunity to participate, and will be required to enter into an agreement in accordance with a Stock Mustering Plan. The humane destruction of any remaining stock under a Stock Mustering Plan may be negotiated through a *Deed of Relinquishment* (refer section 10 of this policy and Appendix 4).

Relevant Landholders wishing to participate in a Joint Muster but who are unable to attend must give consent to another attending party for that party to identify their stock.

Each Relevant Landholder participating in the Joint Muster must apply for, and be issued with, a Stock Mustering Permit across all or part of the applicable protected area so that the Joint Muster area is covered.

Stock remaining after a Joint Muster may be targeted for removal at a General Muster or under a Pest Management Activity Proposal. These stock will be deemed to be “feral stock” and therefore without an owner.

Forced Muster Order

The owner of stock may apply to a Magistrates Court for an order (a Forced Muster Order) for the mustering and removal of stock from a place managed or controlled by a person other than the owner (section 789AA of the *Police Powers and Responsibilities Act 2000*).

As such, if Landholder A holds a reasonable belief that their stock have strayed onto Landholder B's land, and Landholder A has made a reasonable effort to seek Landholder B's consent for Landholder A to retrieve the stock without success, Landholder A may apply to the court for a Forced Muster Order. If the Magistrate grants the order, then Landholder A can carry out the muster under the direction and supervision of a police officer. In this case, a Stock Mustering Permit would be issued to Landholder A under Part 5 of the Nature Conservation (Protected Areas Management) Regulation 2006.

The implementation of this policy is intended to significantly diminish any likelihood of a Forced Muster Order on QPWS estate.

7. Stock Mustering Plans

A Stock Mustering Plan may be developed by a Relevant Landholder or as part of a Joint Muster for a protected area that is the subject of ongoing problems with unauthorised stock. These plans will establish specific arrangements for the ongoing management of those stock for a specified period of time and are mandatory for musters where the term of the associated Stock Mustering Permit is longer than 60 days or is associated with a Joint Muster or General Muster. A Stock Mustering Plan may specify obligations on both the neighbour and or the State to ensure adequate boundary fencing to restrict further incursions (see template at Appendix 5).

8. Seizure of stock

Unauthorised stock may be seized, however this will be a last resort where mutually acceptable co-operative arrangements cannot achieve successful removal. Seizure will only be approved by the Regional Director.

Section 149 of the Nature Conservation (Protected Areas Management) Regulation 2006 empowers a conservation officer to seize and remove unauthorised stock in certain circumstances, and section 153 states that seized stock must be dealt with in accordance with Part 5 of the Nature Conservation (Administration) Regulation 2006.

The seizure of unauthorised stock on a protected area can occur:

- where there is proof or suspicion of notifiable disease, or that any of the stock may be the subject of legal proceedings;
- where notification and a request for removal has been made for identifiable stock and the owners have failed to comply (section 145(7) of the Nature Conservation (Protected Areas Management) Regulation 2006);
- if stock are clearly not identifiable (see Appendix 3 regarding ownership of stock) and no claim has been made on identifiable stock;
- where there are competing claims on livestock which have not been resolved; and/or
- where there are ongoing occurrences of stock incursions into a park, other than in exceptional circumstances such as fencing impracticality, or floods, or fires, or a combination thereof.

Following seizure of stock, a conservation officer may do the things listed in section 110 of the Nature Conservation (Administration) Regulation 2006 in the conservation officer's subsequent management of the stock.

9. Disposal/sale of stock after muster

Stock that have been seized and mustered from a protected area under the authority of a Stock Mustering Permit or under an approved Pest Management Activity Proposal may be disposed of once QPWS provides neighbours or suspected owners of the stock with two weeks' notice to claim the stock in accordance with section 114 of the Nature Conservation (Administration) Regulation 2006. The stock will be made available to the rightful owner for collection at a designated location—usually a holding yard at or near the muster area.

Evidence or proof of ownership along with reimbursement for associated costs including, but not limited to, mustering and holding of the stock must be provided before the stock are released, in accordance with section 115 of the Nature Conservation (Administration) Regulation 2006. Where there is doubt about the proof or evidence of ownership, ownership may be decided by a court under section 39 of the *Justices Act 1886* (power of court to order delivery of certain property).

Stock seized by QPWS but then unclaimed will be disposed of:

- as directed by the relevant authorities in cases of diseased stock or those subject to legal proceedings;
- in accordance with an approved Pest Management Activity Proposal;
- in accordance with sections 116 or 117 of the Nature Conservation (Administration) Regulation 2006, which allows unclaimed stock to be sold after 20 business days' notice to neighbours or possible owners, through their transportation to the closest practicable point of sale. The stock will be sold at a public stock sale or directly to a meat works. Under no circumstances are stock to be sold privately or transported to any other property (either in transit, temporarily or permanently) without the specific approval of the Regional Director and notification to the appropriate stock inspector; or
- by a local government pound where stock have been impounded.

All sale of the stock from protected areas will be coordinated by an authorised stock agent. The proceeds of the sale will be deposited and allocated to a specific QPWS budget code (WBSE).

The proceeds are to be applied in accordance with section 118 of the Nature Conservation (Administration) Regulation 2006, which includes offsetting all of the State's costs and expenses associated with the sale, treatment (for example, drenching), transport and/or husbandry of the livestock to the point of sale. Any

remaining funds will only be used for purposes as determined by the Chief Executive. In the case of designated protected areas under joint management, the remaining funds (after all expenses have been paid) may be issued to, and used by, the relevant Land Trust for the delivery of works and services as per approved Indigenous Management Agreements.

10. Destruction of stock

QPWS officers who are licensed and authorised to possess and use departmental firearms in accordance with the *Firearms Policy and Procedures Manual* may humanely destroy an animal found on a protected area that is:

- critically malnourished, sick or injured; or
- nominated for destruction under an approved Pest Management Activity Proposal developed in accordance with *Operational policy - Management of pests on QPWS managed areas*.

Humane destruction may also take place if QPWS is directed by relevant authorities in cases of notifiable diseases under the provisions of the *Stock Act 1915*.

Under no circumstances is a beast to be destroyed for any other reason without the prior approval of the relevant QPWS Executive Director or Regional Director and in conjunction with an officer of Biosecurity Queensland in the case of sick or malnourished stock. All reasonable efforts should be made to contact and notify the rightful owner of the stock prior to its destruction. Where this is not possible, the owner or possible owner should be contacted at the earliest available opportunity in order to comply with animal welfare codes.

Contractors and other persons engaged in the removal of stock from a protected area who are licensed and lawfully possess registered firearms may, as a condition of a written QPWS authority or Stock Mustering Permit, be authorised to carry and use a firearm to humanely destroy an animal that is critically malnourished, sick or injured. The relevant provisions of the department's *Firearms Technical Manual* will apply in that regard.

To comply with *Animal Care and Protection Act 2001* the *Stock Act 1915* and animal welfare codes of practice, it is imperative that either a licensed QPWS officer or an authorised contractor is present to humanely destroy any injured animal.

Subject to an approved Pest Management Activity Proposal, the destruction of stock may also occur:

- when stock cannot be mustered in a cost-effective manner;
- when stock continually remain on the protected area as breeding stock after successive musters;
- where compliance with the *Animal Care and Protection Act 2001*, the *Stock Act 1915* and animal welfare codes of practice cannot be assured without placing undue stress or hardship on animals; or
- the environmental impact of mustering activities is deemed to be unacceptable to a specific habitat of the protected area.

In addition to adhering to relevant provisions of the *Animal Care and Protection Act 2001*, the destruction of stock on QPWS managed land assets is to be undertaken in accordance with the *Model Code of Practice for the Welfare of Animals – Feral Livestock Animals, Destruction or Capture, Handling and Marketing*.

Any Pest Management Activity Proposal that permits the destruction of stock that could potentially be identified as belonging to a neighbouring or nearby landholder will require the agreement of potential owners through a Deed of Relinquishment (see Appendix 4) or by seizure as set out in section 7 of this policy.

Under no circumstances are stock (or parts thereof) to be used for personal or human consumption, baiting, or any other uses.

Reference materials

Operational Policy – QPWS Good Neighbour Policy (2010)

Primary Industries Standing Committee – *Model Code of Practice for the Welfare of Animals, Cattle (2004)*

Primary Industries Standing Committee – *Model Code of Practice for the Welfare of Animals, Feral Livestock Animals, Destruction or Capture, Handling and Marketing (2002)*

Primary Industries Standing Committee – *Model Code of Practice for the Welfare of Animals, Land Transport of Cattle (2002)*

Firearms Technical Manual

Legislation

Animal Care and Protection Act 2001

Criminal Code Act 1899

Forestry Act 1959

Forestry Regulation 1998

Justices Act 1886

National Parks and Wildlife Act 1975 as passed

Nature Conservation Act 1992

Nature Conservation (Administration) Regulation 2006

Nature Conservation (Protected Areas Management) Regulation 2006

Police Powers and Responsibilities Act 2000

Stock Act 1915

Stock Identification Regulation 2005

Operational policy

Removal and disposal of stock on QPWS Protected Areas (Nature Conservation Act 1992)

Disclaimer

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Approved By

Ben Klaassen

Signature

11 July 2014

Date

Deputy Director-General
Queensland Parks and Wildlife Service

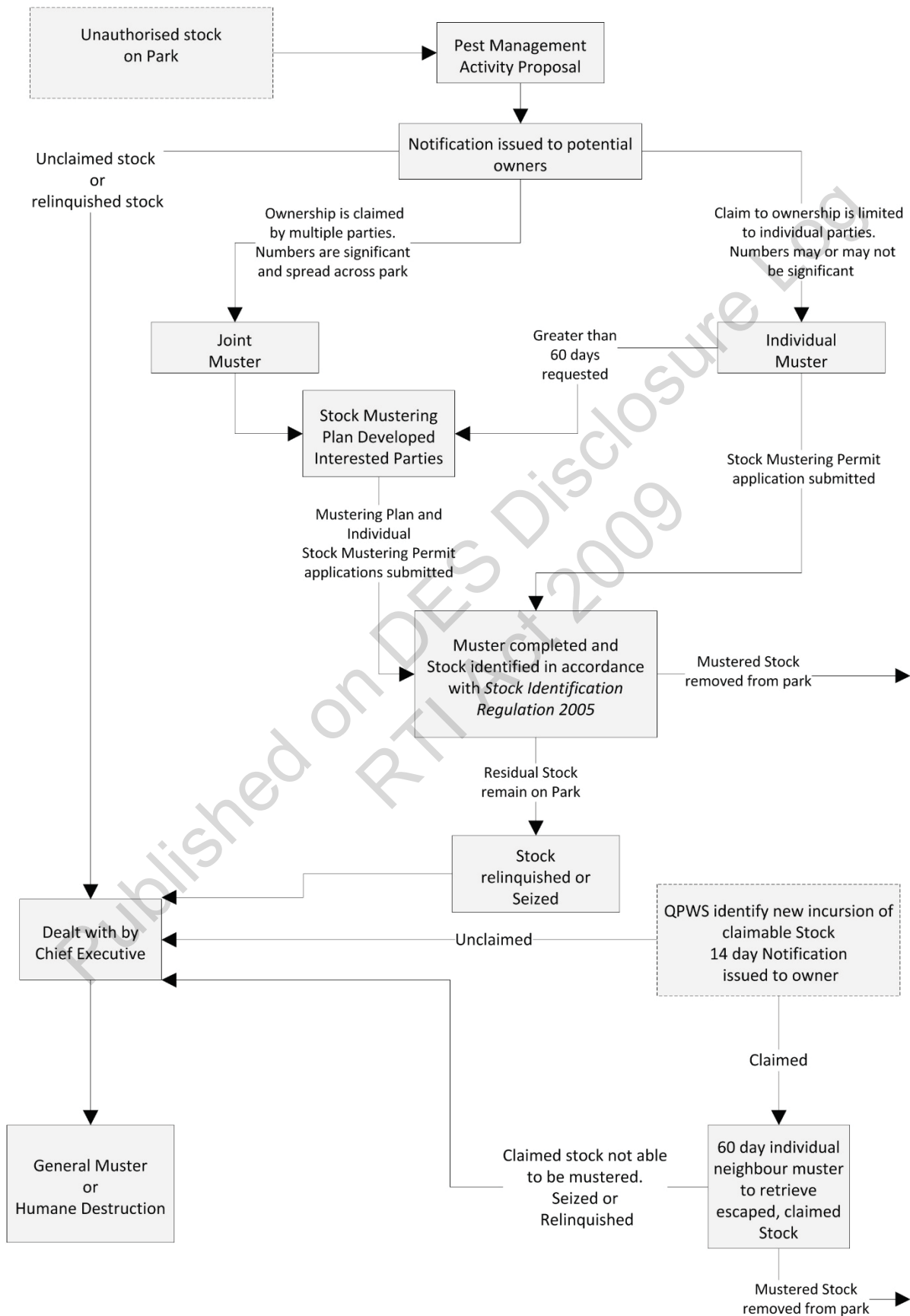
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Appendix 1 – Simplified overview of the process

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Operational policy

Removal and disposal of stock on QPWS Protected Areas (Nature Conservation Act 1992)



Appendix 2 – General considerations when removing stock

National Livestock Identification System

QPWS is bound by the requirements of the National Livestock Identification System (NLIS), specifically the requirements of the Stock Identification Regulation 2005. <http://www.daff.qld.gov.au/animal-industries/moving-selling-livestock/national-livestock-identification-system>

This regulation requires all properties where stock are kept, register with the Qld Department of Agriculture and Fisheries (DAF) and obtain a Property identification Code.

This includes the relevant national park for which a permit is being issued.

All cattle properties bordering a national park should already be issued with a Property Identification Code (PIC). *Permits to muster* will only be issued to a person with a valid PIC which identifies that person or company as the owner or an owner of stock on the PIC.

All stock, moving between properties with different property identification codes (PICs), must be accompanied with a Waybill and identified with a NLIS device and that movement recorded in the NLIS database. All stock must be identified with a NLIS device prior to moving them from one property PIC to a property with another PIC.

Ordering arrangements for NLIS tags are controlled under the Stock Identification Regulation 2005. Only people with legitimate reasons for acquiring NLIS devices are able to do so. Devices can only be issued to an individual associated with a registered property identification code (PIC) who has a justifiable reason for needing the tags. As part of the Stock Mustering Permit issue process authority to obtain NLIS tags with the relevant protected area PIC will be granted.

QPWS Brands

The department has been issued a registered special brand (Certificate Number K 26 and described as NP over Q, see figure 1) to identify livestock that are being sold or transferred from a protected area. The special brand is issued under Section 14A "Public Instrumentality" of the *Brands Act 1915* and therefore is not displayed on the DAF, Branding and Earmarking Livestock in Queensland, Brands Database. The department also has a registered *symbol brand* (Certificate Number D 10695, described as NP under angle, see figure 2) for specific use on Lakefield National Park (now named Rinyirru (Lakefield) National Park CYPAL).

The special brand (NP over Q) is required to be used in almost all branding circumstances, with the exception of Rinyirru (Lakefield) National Park CYPAL and protected areas immediately adjoining it. Each QPWS Region will have custody of an NP over Q branding iron administered by the Region's Technical Support Principal Ranger. Any branding activity must be in accordance with the *Brands Act 1915*. The DAF website provides further information on branding and earmarking at: <http://www.daff.qld.gov.au/animal-industries/moving-selling-livestock/branding-and-earmarking-livestock>

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THIRTY-SECOND SCHEDULE

"The Brands Acts, 1915 to 1965"

K 26

Certificate of Registration of a Special Brand Issued to a Public Instrumentality
(Section 14A)

Brisbane, 28TH MAY, 1985

This is to certify that the Special Brand described in the margin hereof was this day duly registered in the name of THE DIRECTOR, NATIONAL PARKS AND WILDLIFE SERVICE for use in the State of Queensland in terms of the abovenamed Acts.

The Brand described in this Certificate shall have a face depth of not less than one and one-quarter inches nor more than 30-65 mm inches.

CTPI 49-Sch4

Registrar of Brands

Govt. Printer, Brisbane

Figure 1: QPWS registered special brand described as NP over Q (displayed on the left).

Tenth Schedule

D 10695

Brands Act 1915-1978

CERTIFICATE OF REGISTRATION OF SYMBOL BRAND

Brisbane, 28TH MAY, 1985

This is to Certify that the Symbol Brand described below was this day duly registered in conjunction with the registered Brand NP for use in the STATE OF QUEENSLAND as the Symbol Brand of THE DIRECTOR, NATIONAL PARKS AND WILDLIFE SERVICE at the property Lakefield National Park via Laura in terms of the abovenamed Act.

Symbol Brand

NP

described as:
LETTERS "NP" UNDER ANGLE

* This symbol brand may be imprinted in the following specified position in the case of horses, cattle or camels branded prior to acquisition.

POSTAL ADDRESS OF REGISTERED OWNER (if different from above):
P.O. Box 150
Brisbane, North Quay
Any change of property or postal address must be notified

CTPI 49-Sch4

The person to whom this notification is issued is requested to take notice that the Brand must be made exactly as described above.

* To be deleted if not applicable. For Rules of Branding, see back hereof

1454/1/4/79-10 Bk-P/L-Govt. Printer, Qld

Figure 2: QPWS registered symbol brand described as NP under angle (displayed on the left).

Appendix 3 – Ownership of Stock

Ownership can be readily determined if an animal has a brand or other identifiable mark, but the absence of these can make proving ownership difficult.

Determining the owner of stock

Establishing ownership of stray livestock depends on reasonable proof of identification provided by a claimant or claimants. Ownership can be established by legal markings or the following other identification criteria (this list is not exhaustive):

- Brands, tattoos, marks or tags (indisputable proof);
- DNA testing;
- Personal familiarity;
- Species or distinctive traits;
- Geographical location;
- Family grouping;
- Local history; or
- Supporting statements (such as statutory declarations).

If ownership cannot be determined from legal markings, a determination will be made by Biosecurity Queensland, or by a court pursuant to the terms of section 39 of the *Justices Act 1886*.

QPWS's ownership of stock

QPWS has a registered brand and has legal ownership of livestock in certain situations, including:

- as a result of the acquisition of former pastoral leases or freehold land, where there is a legally established destocking period, following which the lessee or owner formally relinquishes ownership of remaining livestock; or
- as a condition of the expiry of a stock grazing permit which allows for a destocking period, following which any remaining livestock become the property of the State; or
- in respect of stock on a national park primarily gazetted for historical reasons; or
- after a seizure and notification process has been completed, and the stock remain unclaimed and so are deemed "abandoned".

To be satisfied that stock has been abandoned, QPWS will rely on the fact that a Stock Mustering Permit has been offered to the owner to retrieve the stock, and/or notice of seizure has been served, and/or the owner contacted and advised that stock will be disposed of if not collected by a certain date (giving the owner a reasonable period of time) and that—after this action/s—the owner still did not collect their stock. Abandoned stock will be appropriated by QPWS when it deals with the stock after contacting the owner as referred to above—e.g. mustering and yarding and taking to market.

Appendix 4 – Deed Poll for the Relinquishment of Ownership of Stock Template

Available on the RangerBase policy pages under Natural Resource Management - Stock Management

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Appendix 5 – Stock Mustering Plan Template

Available on the RangerBase policy pages under Natural Resource Management - Stock Management

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