

**RURAL LANDS PROTECTION (MIGRATORY LOCUST) PEST CONTROL ORDER 2011
UNDER THE RURAL LANDS PROTECTION ACT 1998**

I, KATRINA HODGKINSON, M.P., Minister for Primary Industries, in pursuance of Part 11 of, and clause 27 (2) of Schedule 7 to, the Rural Lands Protection Act 1998 make the following pest control order in respect of migratory locust.

1 Name of pest control order

This pest control order is the Rural Lands Protection (Migratory Locust) Pest Control Order 2011.

2 Commencement and duration

(1) This pest control order commences on the date it is published in the *NSW Government Gazette*.

(2) This pest control order has effect for a period of 5 years from the date of commencement.

3 Revocation of previous pest control order in respect of migratory locust

Pursuant to section 153 (2) of the Act Pest Control Order Number 10 in respect of migratory locust dated 23 October 2006 and published in *NSW Government Gazette* No. 127 on 27 October 2006 at pages 9119 and 9120 is revoked (as is any pest control order revived as a result of this revocation).

4 Definitions

In this pest control order:

controlled land means the land to which this pest control order applies as described in clause 5.

general eradication order means an order made under Division 3 of Part 11 of the Act.

individual eradication order means an order made under Division 3 of Part 11 of the Act.

pest means the insect declared in clause 6 to be a pest on the controlled land.

the Act means the Rural Lands Protection Act 1998.

Note: *authority, control, district, eradicate, general destruction obligation, notification obligation* and *pest control order* all have the same meaning as in the Act.

5 Controlled land

Pursuant to section 143 (1) (a) of the Act this pest control order applies to all land in New South Wales.

6 Declaration of migratory locust to be a pest

Pursuant to section 143 (1) (b) of the Act the migratory locust (*Locusta migratoria*), being a former pest within the meaning of clause 27 (1) of Schedule 7 to the Act is declared to be a pest on the controlled land.

7 Obligations and powers imposed or conferred by this pest control order

Pursuant to section 143 (1) (c) of the Act and the sections referred to in this clause, the following obligations and powers are imposed or conferred in relation to the pest on the controlled land:

(a) pursuant to section 143 (2) (a) of the Act a general destruction obligation is imposed requiring the occupier of controlled land to eradicate the pest by any lawful method;

(b) pursuant to section 143 (2) (c) of the Act a notification obligation is imposed requiring the occupier of controlled land to give the authority for the district in which the controlled land is situated notice of the presence of the pest on the land as soon as practicable after becoming aware of its presence;

(c) pursuant to section 143 (2) (d) of the Act all authorities are empowered to serve an individual eradication order in accordance with Part 11 of the Act on any occupier or owner (other than a public authority) of controlled land in their district requiring the occupier or owner to eradicate the pest by use of a method specified by the authority in the order;

(d) pursuant to section 143 (2) (e) of the Act all authorities are empowered to publish a general eradication order in accordance with Part 11 of the Act requiring all occupiers of controlled land within their district (or a specified part of their district) to eradicate the pest by use of a method specified by the authority in the order;

(e) pursuant to section 143 (2) (f) of the Act power is conferred on all authorised officers who work as rangers for an authority and all authorised officers appointed for the purposes of Part 11 of the Act to take measures to carry out work on controlled land to eradicate the pest;

(f) pursuant to section 143 (7) (a) of the Act in respect of the exercise of the power under section 143 (2) (f) by authorised officers on land under the care, control and management of the National Parks and Wildlife Service, that power cannot be exercised unless written approval has been obtained from the Deputy Chief Executive, Parks and Wildlife Group of the NSW Office of Environment and Heritage within the NSW Department of Premier and Cabinet;

(g) pursuant to section 143 (2) (j) of the Act all authorities are required to supply materials that have been provided to them for the eradication of the pest on controlled land within their district, free of charge, to the owner or occupier of rateable land in accordance with the relevant standard operating procedures.

8 Method of eradication involving application of a substance from the air

Pursuant to section 143 (3) of the Act the method of eradication that may be used in relation to the pest on controlled land that involves the application of a substance from the air is specified to be the use of any substance approved for application by air under the Pesticides Act 1999 for the purpose of controlling the pest.

9 Authorisation of notice for contribution towards eradication of pest insects

This pest control order authorises the Minister to give a notice pursuant to section 172 (1) of the Act in relation to the pest.

Dated this 26th day of October 2011.

KATRINA HODGKINSON, M.P.,
Minister for Primary Industries

Note: Materials provided for eradication of the pest on controlled land are funded from rates levied under the Act. 'Free of charge' means no additional charge is imposed at the time of issue of the materials.