

**RURAL LANDS PROTECTION (WILD RABBITS) 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 wild rabbits.

1 Name of pest control order

This pest control order is the Rural Lands Protection (Wild Rabbits) 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 wild rabbits

Pursuant to section 153 (2) of the Act Pest Control Order Number 13 in respect of wild rabbits dated 3 October 2006 and published in *NSW Government Gazette* No. 122 on 6 October 2006 at pages 8690 and 8691 is revoked (as is any pest control order revived as a result of this revocation).

4 Definitions

In this pest control order:

Agvet Code has the same meaning as in the Pesticides Act 1999.

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

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

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

the Act means the Rural Lands Protection Act 1998.

wild rabbit means any animal of the species *Oryctolagus cuniculus*:

(a) that is wild or has become wild, or

(b) has an appearance which is consistent with the appearance of the wild European type of rabbit.

Note: *authority, control, district, eradicate, general destruction 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 wild rabbit to be a pest

Pursuant to section 143 (1) (b) of the Act the wild rabbit, 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) (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;

(c) pursuant to section 143 (2) (g) of the Act power is conferred on all authorities to give approval (whether or not subject to any condition) for a person or a class of persons to keep the pest in captivity on the controlled land.

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 or the Agvet Code for the purpose of controlling the pest.

Dated this 26th day of October 2011.

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

Note: This pest control order does not prevent any person from keeping rabbits that are not covered by the definition of "wild rabbit" above, subject to compliance with the Local Government Act 1993, the Environmental Planning and Assessment Act 1979 and any other legal requirements.