

Frequently Asked Questions - National Parks and Wildlife (Wildlife) Regulations

About the proposed new *National Parks and Wildlife (Wildlife) Regulations 2017* (the Wildlife Regulations)

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When do the new Wildlife Regulations start?

The Wildlife Regulations are being reviewed by the Department of Environment Water and Natural Resources (DEWNR) because they finally expire on 1 September 2016. This current public consultation is part of the review process.

Following this public consultation period, your feedback will be carefully considered by DEWNR and, where necessary, the new draft regulations will be revised. The revised regulations will then be put before Cabinet for approval.

It is anticipated that the new regulations will come into effect on 1 July 2017.

Why are the existing Wildlife Regulations being remade?

DEWNR is aiming to make sure the new Wildlife Regulations operate as efficiently and effectively as possible and, where we can, act on the public feedback. The *National Parks and Wildlife Act 1972* is 44 years old, and this places some restrictions on what new regulations can do. Drafting the new regulations takes time as some of the revisions are quite complex.

So as an interim measure, the current regulations will be remade on 1 September 2016, to give us a little more time to get the new regulations right.

Why has Regulation 33 been proposed?

It has become clear that regulation 33 is misleading in its application to protected animals. Please note that **EXEMPT SPECIES ARE NOT INCLUDED** in the regulation thresholds. Should the proposal be included in the final Wildlife Regulations the application of the regulation 33 will be made very clear.

Since the regulations were last made in 2001, increases in online transactions have changed the way business is conducted and what is considered to be a commercial level of trading. The new regulations need to account for a broader range of contemporary business types and activities; internet trading for example. This is a gap that the proposed Regulations needs to address.

The intention of Regulation 33 is not to impinge on typical breeding and sales between hobbyists or low-level sales to Fauna Dealers however, the regulation 33 proposal does introduce caps on the number of buying and selling transactions in protected animals. The intention is to provide the community with clarity about what is considered to be commercial levels of buying and selling in protected animals.

DEWNR is asking for your thoughts on what level of turnover separates commercial or business dealers from hobbyists.

Why do I still need to apply for an import or export permit?

The requirement for an import or export permit when transporting any protected animals across South Australia borders, comes from section 59 of the *National Parks and Wildlife Act 1972*. Protected animals include native animals listed as exempt from Keep and Sell permitting in Schedule 7. The Wildlife Regulations that are under review cannot undo what is stated in the NPW Act. Therefore the draft Wildlife Regulations must make provision for the issuing of import and export permits.

Why is a Schedule of specialist species not in the regulations?

The vast majority of native animals held in captivity are either exempt from permit or require a basic keep and sell permit. It is much more efficient to list these animals as they represent about 300 species out of thousands of Australian native animals. All other species not in a schedule will need a Specialist keep and sell permit.

DEWNR is considering a list of commonly kept specialist species being available as a guide on the departments permits webpage in the future.

Can I still keep one native animal from the basic schedule without a permit?

Yes. However, a permit will be needed if you keep **more than one** native animal from the basic list (Schedule 6) and a Sell Protected Animals Permit is required to sell or otherwise dispose of that animal.

What was used to decide if a permit was needed, if any, to keep a particular animal?

DEWNR used a set of evaluation criteria to understand what risks may be present for people and the animal if it was kept within the community. The criteria go beyond health and safety or animal husbandry and welfare requirements. Other considerations included: the risk of wild populations becoming extinct, the threat of animals being illegally removed from the wild; biosecurity risks (spread of disease); what might happen if the animal escaped from captivity; could they be harmful to the public and could they breed with local species or perhaps become a pest.

DEWNR tested the considered outcomes with people who have an understanding of animal husbandry, commercial trading, animal health and species conservation. Their views added important information into the decision making process.

There are some native animals that are simply not suited to captive trade. Having to obtain a permit reflects the extra level of knowledge needed to manage these risks and successfully care for the animal in captivity.

How have carer permits changed?

Instead of needing a Keep and Sell permit, the proposed regulations include specific permits for Wildlife Carers and Wildlife Rehabilitators (see the Summary Page for permit descriptions).

Are the Wildlife Care and Wildlife Rehabilitator Permits different?

Yes they are. Each permit type is intended for a specific role in the care of protected animals. **The Wildlife Carers Permit** is aimed at individual carers or those who are part of a network or group, that is, they care for rescued animals at home. Endorsement for some advocacy work is an option for wildlife carers. **The Wildlife Rehabilitators Permit** is aimed at the principle person who runs an institution/organisation type service of centralised care and advocacy for rescued animals, typically at a single premise. Usually wildlife volunteers attend the approved premise of the Wildlife Rehabilitator Permit holder and assist with wildlife care under the direction of the permit holder.

Why are the descriptions of the Wildlife Care and Wildlife Rehabilitator Permits in the regulations the same?

We realise that this is causing some uncertainty and we are working toward a clearer explanation of each permit within the new regulations.

Why is there a fee for the Wildlife Rehabilitators Permit?

This permit is aimed at organisations/groups who, apart from caring for rescued animals, use animals unfit for release for advocacy work either at their approved premise or in the community. Typically these organisations need to provide a higher level of accountability because they care for more specialised, or perhaps larger numbers, of native animals.

Can I still care for sick or injured native animals?

Yes. Under the proposed changes you would apply for a Wildlife Carer Permit.

Given the changes to carers' permits, can I still keep the native animals I am currently caring for?

If you are currently endorsed to care for a species of animal then your endorsement will transfer to the new Wildlife Carer or Rehabilitator permit. Endorsements for other animal species will be assessed through the normal assessment process.

My native animal is no longer on a schedule – what does this mean?

The schedules have been carefully evaluated as part of the Wildlife Regulations review. The regulations propose that a small number of native animals move from the basic list to requiring a Specialist Keep and Sell permit. If you are affected by this change, DEWNR will work with you to put in place the right permit approvals and endorsements.

Can I use my animals to promote my business or my organisation? Can I take my animals to places for teaching or display purposes?

If you wish to continue, or start, using your native animals in this manner then you will need to discuss with DEWNR if a Wildlife Displayer Permit or perhaps a Mobile Wildlife Educator/Demonstrator Permit would be more suited to your activities.

I remove native animals that could cause harm to people or property. Can I now remove venomous snakes with a Wildlife Management (Controller) Permit?

No. You will need to meet the requirements of the Venomous Snake Intervention (Snake Catching) Policy and Procedure before being endorsed to handle venomous snakes and provide a snake catching service.

Is my permit going to cost more?

Schedule 1 of the Wildlife Regulations lists the permits and the fee payable. Most existing permits will increase slightly according to the routine consumer price index adjustments. There are a small number of permits where a fee has been introduced. New permit categories will have a permit fee that reflects, in part, DEWNR's costs of processing the permit and entitlements.

Why are there so few amphibians on permit?

The *National Parks and Wildlife Act 1972* (The Act) defines a protected animal as any bird, mammal or reptile indigenous to Australia. Amphibians are excluded from this definition. However, the Act also defines a protected animal as any animal of a species referred to in Schedule 7, 8 or 9 (commonly referred to as the "Threatened Species Schedules"). There are a small number of amphibians listed in the Threatened Species Schedules in Schedule 8 and 9 and this is why there are only a small number of amphibian species included in Schedule 6 (Basic species) and Schedule 7 (Exempt species) of the Wildlife Regulations. These amphibian species were assessed using the same decision making criteria that was applied to approximately 800 species of birds, mammals and reptiles.

Do the revised draft regulations allow more native animals to be kept without a permit?

Yes. If you have a look at the 'Proposed Animal Movements across Schedules' document you will see which species have moved to the Exempt Schedule (Schedule 7).

What native animals are now on the Basic Schedule?

All the native animals proposed for the Basic Schedule can be viewed in Schedule 6 of the draft regulations. If you have a look at the 'Proposed Animal Movements across Schedules' document you will see which species have moved from Specialist to Basic.