

Protected Animal Specimens Biodiversity Conservation Licence

Biodiversity Conservation Act 2016

Licence conditions

1. The licensee and persons authorised can only possess, buy, sell and trade specimens from animals that they did not harm, including capture, injure or kill.
2. Specimens of threatened species (listed in Schedule 1 of the BC Act), marine mammals, sea turtles and birds of prey can only be possessed if they are listed in Attachment A or with prior written approval from NPWS Wildlife Team.
3. Specimens found in the habitat of a threatened species (listed in Schedule 1 of the BC Act) or a threatened ecological community (listed in Schedule 2 of the BC Act) can only be possessed with prior written approval from NPWS Wildlife Team.
4. Specimens of threatened species (listed in Schedule 1 of the BC Act), marine mammals, sea turtles and birds of prey listed in Attachment A can be transferred to and from a person with appropriate legal authority (such as a Taxidermist Biodiversity Conservation Licence), or a person who is authorised under the corresponding laws of another jurisdiction, for preservation purposes only.
5. Protected animal specimens (excluding specimens from threatened species (listed in Schedule 1 of the BC Act) marine mammals, sea turtles and birds of prey) can only be bought, sold, traded or gifted from, or to, persons or organisations with the authority to possess them, such as another licensed person/organisation or persons registered to the Protected Animal Specimens Code of Practice 2023.

Note: Persons registered to the Protected Animal Specimens Code of Practice 2023 are not authorised to possess specimens of animals that they harmed or threatened species (listed in Schedule 1 of the BC Act), marine mammals, sea turtles or birds of prey.

6. A maximum of five transactions (the buying or selling of one individual specimen between the licensee (including persons authorised) and another person on a single date or the buying or selling of multiple specimens derived from the same individual animal between one person and another person on a single date) are authorised for protected animal specimens (excluding threatened species (listed in Schedule 1 of the BC Act), marine mammals, sea turtles and birds of prey) in a 12-month period from the licence commencement date.
7. A person who advertises a specimen for sale, trade or gifting must include the following notice in the advertisement, or a notice of similar wording to the same effect of the following “This animal specimen is being advertised for sale under a Biodiversity Conservation Licence. You may only possess or otherwise deal in this animal specimen if you are lawfully permitted to purchase and possess this specimen under New South Wales law. If you intend on importing or exporting this specimen to or from NSW, you must obtain a Biodiversity Conservation Licence to do so. The laws of another Australian State or Territory may also apply to the import or export of this specimen. Further information on dealing with animal specimens in New South Wales can be found at: www.environment.nsw.gov.au/licences-and-permits/wildlife-licences/trading-in-native-animals/licences-to-transport-native-animals-interstate.”
8. Specimen tags or labels, must be retained with preserved specimens for which the licensee deals in.
9. The licensee and persons authorised can only possess carcasses and unpreserved specimens for preservation purposes.
10. The licensee and persons authorised must only possess carcasses, and unpreserved specimens of animals intended for preservation from:
 - a. animals found dead, that were not harmed by the person, including captured, injured or killed,
 - b. a pet possessed under a BC Licence euthanised by a veterinary practitioner registered under the *Veterinary Practice Act 2003* for a legitimate health reason; and the licensee did not harm or cause its death, or
 - c. persons or organisations authorised to possess protected animal specimens (such as licensed zoological parks persons registered to the Protected Animal Specimens Code of Practice 2023).
11. Carcasses or unpreserved specimens intended for preservation must be taken to a person legally authorised to undertake the relevant preservation process within three months of first possessing it.
12. Preservation of specimens by taxidermy or articulation can only be undertaken by a person with appropriate legal authority (such as a Taxidermist Biodiversity Conservation Licence), or a person who is authorised under the corresponding laws of another jurisdiction.
13. Once specimens have been preserved by taxidermy or articulation they must be maintained as whole specimens and must not be separated into segments to sell, trade or gift as parts.

14. Deceased animals must be handled in such a way to reduce the risk of disease transmission between animals and between humans and animals.
15. The skin and feathers of a protected animal (excluding specimens of threatened species (listed in Schedule 1 of the BC Act), marine mammals, sea turtles and birds of prey) can only be possessed, bought, sold, traded or gifted if the skin and feathers were:
 - a. naturally shed or moulted from an animal; or
 - b. otherwise not attached to an animal, whether that animal is alive or dead.
16. Non-Viable eggs or egg shards from a protected animal (excluding specimens of threatened species (listed in Schedule 1 of the BC Act), sea turtles and birds of prey) can only be possessed, bought, sold, traded or gifted if:
 - a. the non-viable egg or egg shard was found broken or empty and the person did not cause the egg to be broken or emptied; or
 - b. the non-viable egg or egg shard was not collected from a nest.
17. Skeletal material from a protected animal (excluding specimens of threatened species (listed in Schedule 1 of the BC Act), marine mammals, sea turtles and birds of prey) can only be possessed, bought, sold, traded or gifted if:
 - a. found dead; or
 - b. derived from a pet possessed under a Biodiversity Conservation Licence euthanised by a veterinary practitioner registered under the Veterinary Practice Act 2003 for a legitimate health reason; and the licensee did not harm or cause its death.
18. A person may only possess a specimen found on land not owned by that person with the prior written consent of:
 - a. the Park Authority, where the specimen is found in NPW Lands; or
 - b. the owner, where the specimen is found on any other land.
19. Protected animal specimens must be housed at the premises address specified on the licence.
20. Protected animal specimens may be temporarily moved from the premises address for the purpose of preservation, educational display or a scientific purpose. The keeping of protected animal specimens at a location, other than the premises address, for any other purpose, can only be undertaken with the prior approval of the NPWS Wildlife Team.
21. The licensee may issue an authority to an employee to operate under the terms of this licence and will maintain a register of the names and address of other persons authorised.
22. The licensee will ensure that employees operating under the authority of this licence will be provided with a copy of the licence and comply with all conditions of the licence.
23. To deal in protected animal specimens that have been subject to Cryopreservation a separate Biodiversity Conservation Licence must be obtained.

24. If the licensee does not want to renew this licence after the expiry date the Wildlife Team must be notified to surrender the licence.

Record keeping and reporting conditions:

25. Records on the specimen information and other third-party information must be retained for the specimens in which the licensee deals in. Specimen information and other third-party information must be retained for at least seven years after the specimen leaves the licensee's possession.

26. The licensee must maintain an up-to-date list of protected animal specimens possessed, bought, sold, traded and gifted or disposed of under this licence (including for persons authorised) in accordance with the template provided (Online Specimen Record and Transaction Reporting Form).

27. A copy of the aforementioned list must be provided to Wildlife Team prior to the renewal, amendment or surrender of this licence.

28. The register of other persons authorised (as per condition 21) must be provided to the Wildlife Team prior to the renewal, amendment or surrender of this licence.

Note: To the extent of any inconsistency between the conditions of this licence and the Protected Animal Specimens Code of Practice 2023 (the Code), the conditions of this licence prevail over the Code.

Definitions:

Articulation means assembling the skeletal material of a specimen into its anatomical shape. This may include the process of removing and cleaning.

Birds of prey means animals classified as Falconiformes (eagles, hawks, falcons) or Strigiformes (owls).

Cryopreservation means the process of freezing specimens using liquid nitrogen at very low temperatures, but does not include freezing specimens through other methods, such as storing the specimen in a regular freezing appliance.

Disposed of means to destroy or throw away.

Licensee means the person specified on the licence.

NPW Lands (National Parks and Wildlife Lands) means land reserved under the *National Parks and Wildlife Act 1974* (NPW Act) or acquired under Part 11 of the NPW Act.

NPWS (National Parks and Wildlife Service) means the NSW National Parks and Wildlife Service.

Premises address means the property specified on the licence (at which protected animals are possessed).

Preservation means the process of cleaning and preparing whole animal carcasses, skeletons or parts thereof for display or study including by means of articulation or taxidermy by a licensed taxidermist.

Skeletal material means whole or part of the skeleton of a dead protected animal, including teeth and intact limbs or bones with or without skin or other coverings such as feathers or scales.

Specimen means whole or any part of a species of protected animals.

Specimen information means the following information applicable to specimens dealt in by a Person:

- a. the number and species;
- b. the date on which the specimen was dealt;
- c. the location from which the specimen was collected, if found dead in the wild;
- d. if applicable, the written consent of the Park Authority or owner giving permission to take the specimen;
- e. the details of any tags or labels, if not already captured by this definition; and
- f. third-party information.

Taxidermy means the process of preparing, filling and mounting skins of animals so they have a lifelike appearance.

Third-party information means the:

- a. name;
- b. postcode; and

- c. email or phone number; and
- d. Biodiversity Conservation Licence number or Code Registration Identifier;

of a person from or to whom a specimen is dealt, or who preserved the specimen.

Transaction means:

- a. the buying or selling of one individual specimen between one person and another person on a single date; and
- b. the buying or selling of multiple specimens derived from the same individual animal between one person and another person on a single date.

For example, if you sell 4 feathers which come from the same bird to one person on the same day, that is one transaction.

If you sell 4 feathers from the same bird to 4 different people, that is four transactions.

If you sell 4 feathers from four different birds to one person, that is four transactions.

Unpreserved Specimen means the blood, tissue, reproductive fluids, saliva or organs of an animal, but does not include:

- a. clean bones;
- b. feathers;
- c. fur attached to Preserved skin;
- d. nails; or
- e. horns.

Under section 2.14 of the *Biodiversity Conservation Act 2016* it is an offence to contravene or fail to comply with a condition of this licence. Personal information collected by the Department of Climate Change, Energy, the Environment and Water in relation to this licence, including any matters relating to your compliance with this licence, may be disclosed to third parties in accordance with the exemptions on disclosure under the *Privacy and Personal Information Act 1998*, for the purposes of confirming information provided by you and for law enforcement purposes.

Records, notifications and inquiries should be directed to:

Wildlife Team

National Parks and Wildlife Service

Locked bag 5022

Parramatta NSW 2124

Phone: 02 9585 6406

Email: wildlife.licensing@environment.nsw.gov.au

Environment and Heritage (EH)

Department of Climate Change, Energy, the Environment and Water

Locked Bag 5022, Parramatta NSW 2124; Phone: 1300 361 967 (EH enquiries);

Email: info@environment.nsw.gov.au; Website: www.environment.nsw.gov.au

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