

Submission on the Discussion Paper Towards a risk-based approach to wildlife licences

This Discussion Paper is advocating a “risk-based approach to licensing” which is a reasonable approach to managing interactions between humans and wildlife providing all the aspects of “risk” are included in its calculation: if the definition of risk is too narrow, then it is likely that activities that on the surface may be considered low risk, in the long term could result in extremely bad outcomes. It is this definition of risk that I think requires further investigation before the requirements are relaxed in a number of areas that are now licenced.

2.2 Flying-fox orchard damage mitigation

- As a general rule of thumb licensing should be retained for all activities currently requiring a threatened species licence. However, shooting flying-foxes for orchard damage mitigation has been acknowledged as “expensive and ineffective” since 1931 (Ratcliffe 1931). More importantly

- o it has been shown that most flying-foxes that die as a result of “orchard damage mitigation” are not killed humanely (Divljan et al.,2011) and hence the orchardist is generally in contravention of the PCA Act (Booth et al, 2008).

- o and there is considerable evidence for the illegal shooting of flying-foxes by orchardists, either by shooting more than the licence states (and incorrectly filling in their record sheets) or shooting entirely without a licence (Wahl 1994).

- o In addition, it is truly remarkable that it is still possible to legally shoot a threatened animal in the breeding season particularly when it has been shown that most of the dead are breeding females (Divljan et al. 2011).

So for these three reasons licences should not be issued for orchard damage mitigation. Shooting flying-foxes should be an illegal activity no matter where it occurs.

- There have been undertakings to phase out licences for orchard damage mitigation “within 3 years” since 2001 (Booth et al 2008). Currently licences are to be phased out by 2020. However, if licences are issued they should be subjected to the following:

- o In line with what is proposed for the animals that are not vulnerable, licences to harm flying-foxes “for the purpose of mitigating damage to commercial orchards” should list all nominated shooters on the landholder’s licence to harm rather than use individually licenced shooters (See p16 of the Discussion Paper.)

- o As part of OEH concentrating on “enforcement efforts and more effectively regulate higher risk activities” there should be an effective monitoring program in

place to monitor the licensee's adherence to the terms of the licence (rather than relying on the orchardists report describing their adherence to the licence). And if licence terms are not followed there should be serious legal consequences ie the licence holder should be prosecuted.

o The monitoring process should be robust enough to identify orchards where flying-foxes are being shot without a licence and again, these land holders should be prosecuted

• Section 95 Certificates have been traditionally given to Councils to relocate flying-foxes from colony sites or to permit habitat modification at the sites and it is intended that these sorts of activities will be managed by enforceable BC Act codes of practice. This is where the assessment of "risk" can be critical. Relocating flying-foxes or undertaking activities at colony sites that result in the flying-foxes leaving the site may "have a significant impact on threatened species, endangered populations or endangered ecological communities" however the impact and the reasons for this impact may not be obvious at the initial assessment. In addition the definition of what constitutes a "risk" for Section 95 Certificates is very restrictive. If the result of the authorised actions caused the deaths of a thousand vulnerable flying-foxes, or ten thousand, or twenty thousand, would this be acceptable even though it might not have a significant impact on the species? "Risk" should include the potential for high mortality, the risks of splitting colonies and causing more people to be effected, the risks of habitat destruction and the risks of raising expectations in the local human community which may not, or cannot, be fulfilled.

3.3 Emu farming should be licenced.

4.2 All nominated shooters should be listed on the landholder's licence to harm, rather than having a separate individual licence to harm.

1. The standard conditions of landholder's licence to harm should include a physical inspection by relevant officials, of the alleged damage and of the landowner's attempts to use non-lethal measures to mitigate the damage.

2. There should be effective non-lethal ways of managing native species that cause problems. If this information is not available then there should be a concerted research effort to determine effective strategies.

4.2.2 Harm to protected birds should be covered by a licence.

Improvements to the licence should be as in points 1 and 2 above.

The NSW Police should not be authorised to harm aggressive magpies. Shooting of birds by the Police in what is often urban settings have cause considerable disquiet in the past. Swooping magpies can be managed in a more environmentally friendly manner for the 6 to 8 weeks they are a problem while their babies are in the nest. (theconversation.com/magpies-can-form-friendships-with-people-heres-how-83950.)

Codes of Practice should not be routinely developed for harming protected birds as an alternative to licensing:

1. Airport “bird-strike” is different from airport to airport and involves different animals. Each should be evaluated on a site by site basis and this can only be done by determining the licensing conditions for each site.
2. Whether or not Ibis nests and eggs can be destroyed should be evaluated against the breeding success of these birds in any year throughout the State. Once again this involves more input that is normal with following a Code of Practice.
3. The control of common native bird species at grain storage facilities should be primary be a series of practices that do not involving harming the birds ie managing spillage etc. The granting of a licence should only be undertaken after a check-list of improvements to the handling of grain have been undertaken.

4.2.3 The licensing for harm to wombats and other protected animals should be retained.

4.3.1 Licensing should be retained however a landholder should only need a licence if they do the catching and relocating themselves. If they use the services of a catch and release person then that person should have a catch and release licence.

It has been shown that possums do not survive if they are relocated out of their territory and that their territory is defined by the availability of suitable holes and cavities. One minimum standard for relocating possums should be that if a possum is removed from its home in a roof, there should be possum box put up within the same territory at the same time the roof is made possum-proof.

4.42 Reptile handlers

- Reptile handlers licences should be retained.
- All catch and release handlers must be well trained and be experienced. So rather than either /or: the minimum requirements should be that they have completed one recognised reptile handling course AND have at least two years’ experience in the field. They should also have undertaken an annual refresher course.

5.1.3 Reptiles as pets.

- If the licensing conditions for holding reptiles as pets are to be relaxed then the proposed staged approach is the best strategy so that negative and positive feed-back from earlier stages can be incorporated at each stage.
- Some “risks” that should be taken into account when deciding on the animals that are not needing to be licenced (ie that will be managed under the codes of practice) are:
 - o Whether the animal is an easy one to catch from the wild, fed into the pet circuit, and kept as a pet without any contact with OEH eg the Common Blue Tongue.

- o Whether the species becomes more difficult to hold as it grows larger eg the Jungle Carpet Python which is a very pretty snake but one of the most common pets to be dumped. (This species is generally bad tempered and its bites become more and more common and painful as it grows).

- o Whether the species is particularly difficult to manage eg the Black-soil bearded dragon and the Central bearded dragon. Bearded dragons need specific temperature and humidity and vitamin-enriched food. These animals need specialist keepers and there should be barriers to reduce their acquisition by novices.

In all cases, by making it easier for people to have these four reptiles, it is likely that more will be kept, probably by less knowledgeable people, more will be ill-treated or neglected or unwanted and more will find their way to rehabilitation societies. This is a bad outcome as already rehabilitation societies have Reptile Sections that are overloaded (>50% of incoming) with unwanted pets that are often in very bad condition when they come into care. Hence carers' time, effort and resources, which should be given to wild reptiles, are being spent on animal welfare issues concerning pets. To reduce the likelihood of even more of these four reptiles coming into care, these four species at least, should be removed from the list of animal managed by a Code of Conduct and licensed.

- The draft code of practice is disappointing as it seems to be primarily concerned with the size of the enclosure required for each species. It is certainly not a manual that explains how every species on the list should be looked after. As well there is no requirement in the Code for the keeper to have any level of knowledge about the species or its care before the keeper can keep them. This is a major problem and will result in people obtaining species that they do not understand and cannot look after properly. This is a huge risk which will adversely affect the welfare of the animals and will provide an additional burden to all rehabilitation societies.

The record keeping suggested by the code is not particularly rigorous however it appears to be only for the keeper's information. There does not seem to be any requirement for the records to be scrutinised by officials at any time and "annual returns will not be required". If this code is to be implemented there has to be some way that keepers can be checked on. The records could be uploaded on a regular basis to an OEH site and even if only random checks are made this would be better than what appears to be the proposed current situation. Keepers need to be made accountable.

- The risk-based approach to annual records for licenced keepers will result in a simplification of the level of information that is available to OEH on all pet reptiles in care except venomous snakes. This is not a good outcome. It would be better if the more detailed records could be automatically placed on the OEH site. This would be available for scrutiny if required but the level of information would not be lost.

- All pet reptiles should be microchipped unless there is good reason for not microchipping them.

5.2.3 Pet shops

- I approve the retention of licensing for pet shops. I am less approving of the expanding of the list of the species they may sell. I think this should be determined on a species by species basis and I think some animals in the extended group suggested, should be restricted to carers with a certain level of knowledge. A business such as a pet shop, will not turn away paying customers, just because they lack knowledge: most of the expanded group will not require licences and so there will be no bar to impulse buying by the ignorant.
- Licence conditions should include the requirement that all pet reptiles be microchipped as soon as possible. Hence the microchip numbers of animals to be sold should include their microchip numbers and hand scanners should be utilised at the point of sale to make sure the right reptile is being sold.
- Licensing should also be required for persons undertaking the business of selling native animals over the internet or from their homes.
- The ATO criteria should be applied to identify if online and home-based breeding and dealing is a business.

5.3.2 Import and Export Licences – Why is there the need for import and export licences to move native animals from NSW into other States, when all the States are part of one country? I would only support the retention of import and export licences if there was an obvious biological or ecological need for such licences.

Captive animals

In the absence of a biological reason (such as infection control) it seems this is just an administrative requirement as animals move from one jurisdiction (NSW) to that in another State, that being so, this seems to be an area where the number of licences could and should be reduced.

- Import and export licences should be discontinued for the interstate movements of animals kept by entities such as zoos, wildlife parks and tourist attractions.
- Import and export licences should be discontinued for the interstate movements of low risk native animal pets belonging to private individuals. However there should be a requirement for OEHL to be officially informed in advance if licenced or COP native animal pets are to be moved from their normal address for more than a certain number of days.

Wild animals

- The movement of wild animals for scientific or environmental purposes (such as a reintroduction program) should be subject to import/export licences as a way of informing the relevant authorities of what is happening.

- Import and export licences should be discontinued for species that are native to both sides of the border for movements that are beneficial to their welfare.
- o There is already the authorisation for wildlife rehabilitation groups to “temporarily transport injured animals interstate for veterinary treatment”.
- o I suggest that as three species of flying-foxes regularly fly across the borders of Victoria, NSW, ACT and Queensland that the requirement for import/export licences for wildlife rehabilitation groups to move flying-foxes across these borders should reviewed and removed or that wildlife rehabilitation groups be given a general authorisation to cross the border with flying-foxes whenever necessary for their welfare. Two examples follow:
 - A common problem with flying-foxes is that very large numbers of flying-foxes can require rehabilitation at one location. There might be 500 flying-foxes in need of care at Byron Bay and although they can be transported south to carers in Sydney and Nowra, the licensing situation makes it very difficult to transport them to carers on the Gold Coast.
 - Once rehabilitated, flying-foxes need to be released. Places where the infrastructure exists, that permits large numbers of flying-foxes to be released are few and far between. The discontinuation of import/export licences for flying-foxes in this situation would permit release facilities on the Gold Coast and further north to be used by flying-fox carers in north NSW.

6.2 I completely support the proposed changes to scientific licence classes.

7.3 In general, the fee structure should reflect the financial costs of issuing the licence, the environmental cost of what the licence is permitting to occur and the likely profit that the licence is likely to permit. So in many cases the costs should be calculated on a case-by-case basis.

The environmental cost has not been considered in the “proposed fee setting principles”. This is particularly evident in the “Damage mitigation licences”. It is difficult to understand why fees are waived for flying-fox damage mitigation licences and landholder licences to harm when flying-foxes are a threatened species and there is an obvious environmental cost to these licences.

