

S00110 – Rhonda Glover

I thank OEH for the opportunity to add my submission for consideration.

5.2.3 – Paragraph 3 - To address concerns about online dealing, it is proposed to establish a new licence class for commercial dealing in native animals, other than through a pet shop.

The proposed new licence class will use criteria similar to those used by the ATO to distinguish between dealing as a business activity and dealing incidental to a hobby.

Some of the criteria mentioned by ATO guidelines include: • Using a business/brand name/card.

Is this a registered business name, including an ABN?

No objection to using a holder of an ABN as a criterion to determine keeper as commercial breeder.

It is easier to remember a 'catchy' title than it is to remember a person's name. You can often google search to contact the seller of a 'brand' name for follow-up information if required, or if the 'business' card has been misplaced. Whilst a seller's details are, to some extent, noted on fauna records, it has been proposed that record keeping may change and telephone numbers are generally not recorded. The card is an invitation from the seller to the buyer, to contact them if they have any questions or concerns and yet the proposal is making that invitation a penalty. • Using a website... Does the website require a shopping cart? Items for sale and/or prices to be displayed?

If the website is only of educational value – species identification, general and/or specialised husbandry techniques – is it a legitimate criterion to be deemed a 'business'? Whilst no restrictions have ever been placed on the number of animals a hobbyist can keep since licensing began, is it fair to deem the keeper as a 'commercial breeder' simply because they have the husbandry correct whereby the animals in the collection are breeding well? Does years of research and fine-tuning of husbandry and incubation techniques, resulting in minimal losses, make them a 'commercial breeder'? They should be valued as a resource and not penalised for the time and effort they have invested in their hobby. No objection to using a website with a shopping cart of prices displayed as another criterion to deem as commercial breeder.

• Advertising online...

It is noted as part of the General Conditions of a NSW Animal Keeper's Licence;

9. The licensee, if advertising the disposal or acquisition of native animals the subject of this licence, may only advertise such animals for disposal or acquisition in a publication of a society of keepers of animals authorised to be held under this licence of which the licensee is a member, or in a specialist publication, journal or internet site related to the keeping of the animal. In all cases the licensee shall state the following in such an advertisement when advertising the disposal or acquisition of protected native animals:

a) The holder's Native Animal Keeper Licence number;

b) That the native animals involved are only available for purchase or disposal to the holder of a current Native Animal Keeper Licence or other relevant licence authorising the possession or disposal of those native animals.

- It has been seen in the past that the advertising of a keepers AKL number has been used fraudulently and for this reason legitimate keepers have been reluctant to advertise their number. Whilst most keepers would like to, and do comply with this condition, it is evident a different approach is needed to protect them.
- With the proposed changes to licensing, many species will no longer be covered by this condition. Here too are 'grey' areas that need clarification.

There seems to be a few shortfalls with this proposal including;

Most keepers are reluctant about adopting these changes with many keepers believing they are being manipulated into becoming a business, with the associated taxation implications.

Some keepers may alter the way in which they have been moving surplus to avoid being deemed a 'commercial breeder'.

Concerns that these proposed changes may lead to a higher level of illegal trade than is currently experienced. Generally tighter regulations result in higher frequency of 'underground' dealing. (Criminals are rarely licensed).

Inability to monitor any movements of coded species and/or identify new 'commercial' breeders.

Potentially a high dollar value associated with a Commercial Breeders Licence. Unlikely to attract any volunteers especially given that DPI will want to dictate to keepers on matters they have no expertise in.

How much time will be reasonable to allow compliance if implemented? Greater workload for those staff charged with the implementation and ensuring continued compliance – not streamlining and reducing red-tape as per the Biodiversity Act 2016 objectives.

Using the ATO 'similar' guidelines is not a fair and equitable system to deem commercial breeders. There are some (high-volume) breeders out there that do not have a website, do not advertise online (usually because they are moving their animals through Pet Dealers, sometimes off the records) that are in fact

commercially driven. Many of these do not have a 'brand' name nor hand out 'business' cards and are unlikely to be 'detected'. If OEH plan to implement a new license class and dictate who will be classified to require this new license, it should be applicable to all those doing the exact same activities – good luck finding them – no doubt they will voluntarily remain in the shadows, with no-one prepared to 'out' them for fear of reprisals.

Should licensing also be required for persons undertaking the business of selling native animals over the internet or from their homes?

If so, what criteria should be applied to identify where online and home-based breeding and dealing is undertaken as a business, rather than incidental to keeping native animals as a hobby?

Most reptile and frog keepers would simply answer 'no'. With that, no criteria would need apply.

This stance however, will not satisfy the objectives of the OEH to reduce red-tape and streamline the current system, freeing up their staff for more important matters. It will not help OEH re-coop their financial loss from removing the need for some licences.

Nor will it address the Pet Industry's need for 'a level playing field'.

It will not address the DPI's 'animal welfare concerns' – although we are yet to be given statistics or any evidence to prove such 'concerns' exist with regards to the way keepers actually do keep their animals.

There will always be those who do not believe animals should be kept – as pets, or in zoological collections. To those people, I ask how endangered species are to be saved if there is no 'expertise' to draw from? Where do 'experts' come from if not from a passion nurtured from a young age and fostered through keeping, understanding and breeding the animals we keep?

Acknowledgement is given to the fact that not everybody does the right thing by animals. The RSPCA is evidence of this but the many good far outweigh these relatively few bad, and these are generally not the people who are licenced or follow laws and regulations anyway.

One of the issues we are currently all dealing with is that of displaced animals. Whether or not these animals have escaped or been dumped, we will probably never be able to prove but what we should all be able to recognise, is the cause. There is a direct correlation between the increase in reptile-keeping licenses issued and the re-introduction of reptiles back into Pet Shops in 2013. Since then, the number of displaced animals has also risen dramatically, if not proportionally, and not-surprisingly, most of these animals are species sold in pet shops. The wisdom of putting more species, particularly all Class 1, into Pet Shops, is questionable.

The Fauna Dealer (Live Reptile) Licence, Schedule A: Fauna Dealer License Conditions, Animal Welfare Conditions, Clause 7) related to dealers holding a

minimum of three (3) years' experience in each genus or member of the same family, of each reptile they wish to sell should be maintained. – This condition should be retained however modified to read species instead of genus. Given the wide climatic range of some genus, experience with a desert species (hot, arid conditions) hardly gives you experience with a rainforest species (cool, humid).

A solution to many of the needs and requirements could be the introduction of a Native Animal Keepers Advertising Licence (NAKAL)

This could be an online application for anyone wishing to sell native animals online – such as Pet pages – like the current application for a Reptile Keeper's licence.

As no additional OEH staff would be required – no red-tape, streamlining.

It would generate income – voluntarily – from those wishing to pay to advertise their surplus animals.

The application would cover the usual fields such as name, address, preferred contact telephone number but could also include other information that could prove useful to various departments.

If the name (or at least surname) on the application did not match that of the credit card being used to pay for the licence, it could negate the application and prevent fraudulent registrations.

A 'registered' mobile number to be used in all advertising along with the NAKAL number, if this is different to the preferred contact number. This reduces and/or eliminates the fraudulent use of AKL numbers for those species not moved to code.

AKL or Driver's License number. By using a further reference such as these numbers, any problems that may arise on a welfare issue can potentially give authorities further information. This may be useful if OEH provide a downloadable receipt on their website that, once completed, OEH would accept as proof of legally obtaining an animal.

A field for species to be advertised on the NAKAL could provide a starting point, once species are moved to code, to monitor and provide data for any future review. Should the proposed increase to the list of reptiles to be sold in pet shops does not proceed at this time, then this would most certainly give clear indication of the movement in numbers of the species currently being sold - a useful tool at review time.

A computer program could perhaps be written that incorporates the current fauna records enabling applicants to update changes to address and contact details as required, again removing the input from OEH staff.

If there are terms and conditions obliging applicants to accept before a licence is granted then many concerns could also be overcome –

The NAKAL must be displayed in all advertisements.

Only the registered mobile number is to be advertised.

Animals being advertised must be the property of the advertiser. Advertising animals belonging to another party is prohibited under this licence and is an enforceable offence.

The selling of merchandise relating to native animal keeping is prohibited including, but not restricted to, enclosures, lighting, heating, frozen, fresh or live foods.

All animals sold must be accompanied by a receipt and a care sheet pertaining to that species of animal, including what that animal is currently being fed and the temperature at which it has been kept.

Seller must accept returns of all animals sold. Refunds are optional. A 6-week quarantine period must to be observed before the animal can be reabsorbed into the collection, gifted out or sold.

It is recommended that all transactions records are kept for a period of no less than three years.

Other conditions may of course be added, at OEH discretion.

The restriction to trading merchandise (including food items) gives the Pet Industry the level playing field they crave. They have been selling reptile and amphibiankeeping merchandise for more years than they have been selling reptiles, so they should be able to continue to monopolise this area with little impact from those licenced to advertise.

A receipt must be issued to purchasers particularly for coded species as proof they are legally obtained. (Preferably the template document offered on the OEH website).

The provision of a care sheet would ensure the new owner has at least the basic husbandry information for the animal purchased. General care sheets could be made available through the OEH and/or HCN websites. HCN could potentially co-ordinate a series of fact sheets that advise the enclosure and furnishing requirements, temperature ranges allowing for gradients, for a range of species, if required.

A database of licenced advertisers could potentially give OEH useful information should any animal welfare complaints/concerns arise from RSPCA or DPI.

Should OEH undertake the use of a computer program that scans electronic media, looking for unlicensed advertisers, it would be easy enough to check if the NAKAL number quoted matches the registered telephone number. If not, checking the old fauna records may produce the identity of the violator. Should no NAKAL number be quoted, then they should be investigated for non-compliance – more income for the OEH. This would protect the registered licensee from fraudulent activity against their NAKAL.

Benefits of this proposal include;

Removes red-tape and streamlines the current system and reduces the workload of OEH staff, satisfying the current objectives.

Raises revenue for OEH from voluntary applications.

Small NAKAL fee (compared to CBL) makes it appealing to a great many more keepers with surplus animals.

No need to 'uncover' those suspected as commercial breeders.

Licence fee easily adjusted as needs dictate.

Licence costs absorbed into selling price thus adding value to animals.

May encourage fewer keepers to breed and/or incubate common species if market floods as competing advertisers would be clearly visible.

Gives OEH a database of those actively breeding animals that perhaps were not previously registered as keepers.

Gives OEH the ability, should they choose, to monitor animal movements and obtain data for future reviews to licensing. Accurate data is beneficial to all parties with regards to changes to licensing.

Makes advertisers keenly aware they are subject to scrutiny if any non-compliance is reported.

With the condition of provision of a species-specific care sheet which includes current conditions and feeding regime, DPI can see that the onus for animal welfare is being accepted by keeper.

Potentially, 'data mining' can safeguard the system.

If the proposed Class 1 moving into pet shops is withheld for a period of 1 or more years, care sheets for all species can be ready for their introduction. This would also allow 'monitoring' of this new license and make any modifications necessary to make available data for regular reviews, if required - Answers cannot given if information is not available.

Minimal implementation time required. No ongoing compliance inspections required by OEH staff.

Pet shops have a level playing field as they had prior to reptiles being sold in shops. If anything, they have the upper hand with everything available in one stop. I do however rely heavily on the honesty and integrity of the pet shops. Personal experience has shown that some pet shops do not always do the honourable thing. As late as this morning I saw (not the first time either) a Kreffts turtle for sale in a pet shop when this is a species not yet permitted in the pet shops! Overselling and misidentifying species are just two areas of concern not to mention selling animals to unlicensed keepers off the record (and buying animals from unlicensed sellers

replacing those sold to unlicensed buyers) to sell again, off the record, recording these as being bred by themselves.

I would like to suggest, again, that all venomous snakes be moved from Class 1 to Class 2. It is recognised that the toxicity of these Class 1 species is negligible however is known to cause anaphylaxis. If Class 1 is moved into Pet Shops, having any venomous snake on offer to the public through a Pet Shop would not be good for the hobby or for OEH. It would be irresponsible for OEH to permit this.

It would be beneficial if licenses return to a 5-year duration. Pet keeping, be it reptile, amphibian, dog or cat, is not a short-term commitment nor should it appear to be. Keepers must be prepared to care for their charges for the term of their pet's natural life, in some cases that is 20 years.

My own opinion is that a staged, risk-based approach to reptile keeping could be a successful way to deal with the issues currently facing the OEH, if done without haste and with reviews before moving to the next level. Moving the species currently available through pet shops to Code would be stage one. Moving Class 1 into Pet Shops as stage 2 in a year or two would allow adequate time to monitor the effects of stage 1. This is particularly significant with regards to displaced animals and the concerns of the wildlife rehab groups, currently the only ones licensed to take them. Once the 15 species move to Code, theoretically any displaced animals of those species can be rehomed without a direction to hold authority. If a recognised receipt is available on the OEH website, that groups are encouraged to utilise, quoting the rescue call number, both the organisation and the new owner will be covered. One of the concerns I have regarding this is that those not familiar with reptiles may not recognise an animal that is sick or stressed. Many carers are unable to identify species correctly nor are aware of proper husbandry for specific species. (I have had several animals come through, supposedly ready for rehome, that require further veterinary treatment).

It has been suggested that the licensing age be returned to 12 (as in years gone by) with parental/guardian approval. This does encourage a young keeper to be more responsible and does help to foster an empathy for the natural world. What would really make a difference is an educational program as part of the junior curriculum, not just specifically for reptiles and amphibians but animals in general. If it was part of a child's early learning that animals in captivity, be it dog or blue-tongued lizard, need specialised requirements, surely, we would expect to see less examples of animal welfare issues as the generations move through. Education to school children in other countries has proven effective with conservation efforts – such as the blue iguana of Grand Cayman.

It is of concern that species of frogs have been proposed to become 'prohibited'. If these species have conservation issues, then how is their welfare being considered if when brought into captivity they are to be euthanised? If these species are not considered a conservation risk they should be moved to a higher Class, making them available only to advanced keepers. Educating wildlife rescue groups as to the

correct hygiene protocols that need to be observed, before transfer to either FATS or experienced keepers, could help us learn more about these animals and protect each species. Even with the chytrid fungus concerns, euthanasia should not be considered an 'appropriate action' for a native species.

In previous years OEH documentation has stated that keepers could advertise animals for sale in a publication of a society of keepers. This has been removed from the current documentation and I would like to see it re-instated along with a list of Herpetological Societies/Reptile Clubs of NSW returned to the website and promoted by the OEH.

If any aspect of my submission requires an explanation I am happy to be contacted. Thank you again to OEH for this opportunity to contribute to my hobby.