



**Herpetocultural Cooperative NSW Response to the
Office of Environment and Heritage Wildlife Licensing
Reforms 2018**

Herpetocultural Cooperative NSW (HCN) reply to the Office of Environment & Heritage Wildlife Licensing Review 2018.

Formulated by the HCN Committee on behalf of our members and community.

Contributors to this document include representatives from: Australian Herpetological Society, Central Coast Herpetological Society, Hawkesbury Herpetological Society, Illawarra Reptile Society, Macarthur Herpetological Society, North Coast Herpetological Group, Shoalhaven Reptile Club, Turtles R Us, DoLittle Farms, Flora & Fauna Management Services, Wildexpos, and other private reptile keepers.

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The Herpetocultural Cooperative NSW (HCN) would like to thank Robert Oliver, Implementation Officer, Wildlife Biodiversity Reforms for inviting us to attend the Consultation and Briefing Session for reptile keepers and dealers held on Saturday 23rd June 2018.

In reviewing the Wildlife Licensing Reform Discussion Paper, the HCN notes Sections 1 through 4.1 and section 6 are not applicable to us. Accordingly we will not be responding to those sections with feedback.

To summarise this discussion paper the HCN would like to highlight the following points:

- ❖ Land Holders Licences. Improvements are required. HCN has proposed conditions and criteria for consideration
- ❖ Catch & Release Licences to continue. Improvements are required. HCN has proposed conditions and criteria for consideration
- ❖ Proposed Risk-based Approach is supported. HCN has concerns surrounding the functionality of the Risk Assessment Tool
- ❖ HCN recommends NAKCC or equivalent Consultation Committee be created and continued with HCN representation
- ❖ Species List – Reptiles: Corrections attached, along with recommendations for additional species and movement of species
- ❖ Species List – Frogs: Opposition to the creation of a Prohibited Amphibian List. Attached recommendations for species and movement of species
- ❖ Alterations to Code of Practice to ensure enclosure sizes are guidelines only and not mandatory
- ❖ Licence returns & Annual records: Risk-based approach fully supported
- ❖ Retention of licensing for pet shops fully supported. Additional suggestions to requirements held by Fauna Dealers taking into account the addition of Class 1 reptiles being sold through pet shops
- ❖ Recommendation to separate Expos into two new categories; Reptile Shows (not-for-profit) and Reptile Expos (privately-run) along with licence fee and application proposals
- ❖ HCN has produced a Draft Code of Practice for Community Reptile Shows and Commercial Reptile Expos – seeking approval and implementation from OEH
- ❖ HCN does not support the need for an 'Online Breeder Licence' and proposes a substitute 'Specialist Licence'
- ❖ HCN does not support the need for continuation of Import & Export permits for AKL holders
- ❖ HCN supports the removal of Import & Export Licences for zoos and other organisations
- ❖ HCN supports the holding of preserved specimens should be exempted from licensing.

Opening statement:

Upon release of the Licensing Reforms Review, the HCN invited its' founding members to contribute their feedback. We received a significant response. The NSW reptile-keeping community has clearly experienced difficulties in its dealings with OEH officers, and what appear to be inscrutable policy decisions. We feel it is important to bring these problems to the attention of OEH, with a view to improving communication and developing a better understanding of our respective concerns.

Some matters of concern to members include:

- Rules appearing to be inconsistent, arbitrary or ad hoc when processing licensing and special event applications
- Licence conditions being ignored by staff such as refusing to supply hard copy record books, and insisting all AKL holders join the online e-book system.
- Preventing private licenced sellers from being able to sell at an expo, with little or no explanation.
- Inconsistency when processing Import/Export permits, which has led to some species being legally imported by keepers, who are then unable to list the species in their records due to missing species code numbers. These have led to a degree of cynicism in the reptile keeping community which is unhelpful to both parties

It is hoped that by bringing these to your attention the HCN can open the dialogue between our two organisations to manage a way forward. As a new organisation we are pleased to be recognised as a primary stakeholder and it is our wish to put the past behind us and to build a cohesive working relationship with the Office of Environment & Heritage. We would like this to be a point in our history where we are able to find common ground.

4.2 Land Holders Licence

Consultation questions

- Should all nominated shooters be listed on the landholder's licence to harm, rather than issuing nominated shooters a separate licence to harm, to reduce administrative effort?
- Can you suggest any improvements to standard conditions of a landholder's licence to harm?

The HCN recommends the following improvements to the standard conditions of a landholder's licence:

- Developers within NSW should be required to have Fauna spotter/catchers present onsite to walk through before, during and after land clearing to ensure the safe removal of native animals found at the site.
- NPWS/OEH and local councils should ensure the use of Fauna spotter/catchers in new developments.
- Land holders' licences should be subject to the same conditions as a normal Catch & Release licence.
- It is also suggested that if any non-releasable animals are to be removed from a property by land owners or developers under licence that they can be rehomed or licenced into captivity.

4.4 Catch and release reptiles

Consultation questions

- Should licensing for reptile handlers be retained?
- How can licence eligibility criteria and licence conditions be improved to ensure licensed handlers have the competency and knowledge to safely catch and relocate reptiles?

The HCN fully supports retaining licences for reptile handlers.

It is our view people applying for Catch & Release (C&R) licences should participate in a 16 hour course and should hold a minimum R4 Keepers Licence (with no less than 2 years' experience as an R4) to enable them to correctly identify species so as to not be relocating non-native species, and provide evidence of keeping and handling species that they will be relocating.

In addition we recommend a requirement that new C&R applicants accompany licenced C&R handlers for a minimum of 8-10 catches and be certified as competent before receiving their licence.

In reference to point 5 of the current C&R Licence requirements, “*evidence that you have completed a recognised reptile handling course or have at least 2 years proven experience in handling venomous snakes*”, OEH does not endorse or recognise any approved venomous reptile handling training courses. If a person wishes to apply for a Catch & Release Licence, OEH does not currently provide a list of approved venomous reptile handling trainers. Perhaps OEH could consider adopting the system currently employed by the Department of Environment and Heritage Protection (EHP) Queensland. EHP provides a list of approved wildlife training providers on their website to assist in the selection of an approved trainer. (The HCN recommends a similar format to the list of Appendix 1)

The list consists of reptile training providers whose standard of training is considered to meet certain minimum requirements. This initiative is to:

- a) ensure training of people who will be handling venomous reptiles will consistently be of a high standard, and
- b) facilitate the processing of relevant permits for applicants who have successfully completed a course by an approved training provider.

The assessment process involves training providers addressing a list of ‘performance criteria’ by providing a brief written summary of how each key competency component is incorporated into the training courses which they provide. Further documentation, including copies of state government licences/permits which authorise venomous snake training, public liability insurance and any other training or qualifications that may be relevant e.g. Cert IV Training, must also be provided to EHP. These documents demonstrate that the training provider is appropriately authorised and assert the high standard of their expertise. See table below.

DEHP list of ‘performance criteria’ training providers need to address:

Elements of Competency	Performance criteria
1. Care of reptiles	1.1 Capture and restraint in conducted in a humane way. 1.2 Recognise the signs and symptoms of disease in reptiles. 1.3 Reptiles are monitored for indicators of injury or stress. 1.5 Appropriate treatment or veterinary attention provided for ill reptiles.
2. Identify reptiles	2.1 Species of reptile are able to be identified.
3. Safe handling of reptiles.	3.1 Capture and restraint are conducted in a safe way. 3.2 The capture and restraint techniques is species appropriate. 3.3 Safe handling of large pythons

4. Knowledge of biology and behaviour

3.4 Safe handling of a range of venomous species.

3.5 Safe handling of large monitors.

4.1 Behavioural and physiological requirements of reptiles identified.

4.2 Species specific preferred body temperatures and photoperiod requirements understood and incorporated in capture.

4.3 Interspecific and conspecific agnostic behaviour recognised and managed.

4.4 Appropriate release habitat can be identified.

4.5 Release takes into account species specific biology and behaviour.

5. Knowledge of species specific transport requirements

5.1 Species appropriate containers are identified and utilised for transport

5.2 Venomous snakes are secured* during transport

5.3 During transport containers are to be appropriately labelled

6. Workplace health and safety

6.1 Access restricted to appropriately trained personnel

6.2 Completed a first aid course and hold a current certificate

6.3 Uses appropriate catching equipment for the species involved

6.4 To wear appropriate clothing and footwear

As per our discussion, we (Department of Environment and Heritage Protection [DEHP]) are now maintaining a list of 'approved' venomous reptile training providers whose standard of training are considered to meet certain minimum requirements. The objective of this initiative is a) to ensure training of people who will be handling venomous reptiles will consistently be to a higher standard, and to facilitate the processing of relevant permits for applicants who have successfully completed a course by an approved training provider.

The assessment process involves training providers addressing a list of 'performance criteria' which we consider are important by providing a brief written summary of how each key competency component is incorporated into the training courses which they provide.

DEHP would like to collect this information from you and subsequently include your company on our list of approved venomous reptile training providers in Queensland. I appreciate this will take some time and effort on your part, but should point out the advantage in becoming an approved training provider is that any certificates received by DEHP from permit or license applicants who have completed your training would be recognised as coming from an approved training provider and the permit applications should be processed without delay.

I have attached a Word document which can be edited which lists the elements of competency and performance criteria which need to be addressed. Could I suggest you enter some brief notes under each performance criteria listed describing how your course incorporates these criteria into the training which you provide. I would invite you to forward your completed response directly to me by return e-mail.

Please note: We need to be able to understand from your responses how you incorporate each performance criteria into your training, not simply that you do so.

Also, I would be grateful if you are able to forward me copies of any other documentation that you think might be relevant such as:

- i) Copy of state government licenses/permits which authorize your venomous snake training;
- ii) Public liability insurance;
- iii) Any other training or qualifications that you think might be relevant eg. Cert IV in training.

While these listed documents are not part of DEHP business, they do demonstrate that the training provider is appropriately authorized and the high standards to which they are operating.

Note: the reason I have contacted you at this time is that we have received a wildlife permit application based on a Certificate provided by a person who completed your training earlier this year. We need to know more about the training which you provide before we can approve the relevant permit based on your certificate.

Once we have received completed documentation from you and it includes all the information that we require, your training can generally be approved with minimal delay.

You are very welcome to contact me directly if you have any questions.

Thanks,

Jeff



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The HCN would like to see the implementation of a list of recognised trainers and that this list is made available to relevant parties.

We suggest new licence requirements should include:

Applicants for a catch and release reptile licence need to apply to OEH and demonstrate and/or provide:

- they are 18 years or over in age
- why a licence should be granted and describe the location/area where they will operate
- 2 written references from recognised referees/trainers who can validate their ability and experience
- they hold a current first aid certificate and public liability insurance
- completion of a recognised reptile handling course or have at least 2 years proven experience in handling venomous snakes
- They must hold a minimum R4 Reptile Keepers Licence (with no less than 2 years' experience as an R4)
- Have secure facilities for housing any captured venomous snakes.
- Have security arrangements in place for the housing and transportation of venomous snakes
- After completing an 'approved' training course, must have actively assisted and can provide evidence of at least 8-10 snake catching callouts over a period of not more than 12 months, under the supervision with a licenced Catch & Release holder
- Unless the licence holder is an 'approved' training provider, they must complete a 'refresher' venomous training course every 2 years.

The approved training providers must be a DPI-licensed exhibitor and the training provider must hold a Cert IV in Workplace Training & Assessment.

5.1 Animal Keeping Licence

Consultation questions

- Do you support the proposed staged approach to implementing a risk-based approach to regulating native animal keeping?
- Can you suggest any changes to the draft revised NSW Animal Keepers' Species List to ensure specific species are subject to the appropriate level of regulation?
- Do you have any suggestions for improving the animal welfare and record keeping requirements in the draft codes of practice?
- Do you support a risk-based approach to annual records for licensed keepers including simplified returns for Class 1 and advanced keepers, but retention of current animal record book requirements for keepers of venomous snakes?

Risk-based Approach:

The HCN supports the primary objectives of the Risk-based Approach, such as reducing red-tape, streamlining the licensing system, differentiating low-risk from high-risk activities and regulating them accordingly. The HCN has some concern about the length of time between reviews – currently proposed to be every three (3) years. We consider a shorter period would be beneficial, considering how rapidly the reptile keeping landscape has changed in recent years

An effort to increase the number of low-risk species moving to Code, encouraging both online and paper-based record keeping where required, and other related strategies, should be explored.

Risk Assessment Tool:

The HCN has some questions about use of the Risk Assessment Tool (RAT) in assessing species to be added to NSW keeping lists.

- What are the time frames for processing a RAT?
- Who will be involved in the decision-making process?
- Will those involved in decision making be suitably qualified, and will decisions be made in collaboration with primary stakeholder groups such as the HCN?
- Will there be the opportunity to appeal a decision?
- What time-frame does OEH consider appropriate for both applications and appeals?

We would like to see a fixed minimum time frame included for all of the above, along with an indication of how the Risk Assessment Tool will be used to add or remove bird, reptile, amphibian and mammal species.

Re-introduction of NAKCC:

One way to address an appeal, in response to a decision made following a RAT application, would be to re-introduce the Native Animal Keepers Consultative Committee (NAKCC) on a permanent basis. Representation at the NAKCC by the HCN could assist in addressing the appeals process. We would also recommend NAKCC play a role in partnership with the Saving Our Species Program, allowing the HCN to participate in reptile-specific projects.

The HCN is very supportive of welfare measures for all animals, and our participation in NAKCC would significantly contribute to a balanced decision making process. In a similar way to the DPI's new initiative of creating species-specific Consultative Committees, the NAKCC would be the most appropriate body for OEH to call upon to allow an equitable response, to any welfare concerns brought to their attention.

The “*Review of Biodiversity Legislation in NSW*” Section 6.2 – *Education, engagement and Community partnerships*” recommends community-oriented programs that will support a modernised regulatory approach. The HCN considers this the best way to achieve such a partnership.

Animal Licence categories and licensing recommendations:

An additional recommendation to the Animal Keeping Licensing system would be to combine Fauna licences into one licence category.

With a large number of species moving to Code and the resulting abolishing of Class 1 Bird licences, there appears to be no reason to have separate licences for reptiles, birds and mammals. A Class 2 reptile or bird licence will still require proven experience – which will apply across the species. It makes sense to simplify into one Animal Keeper Licence, covering all permitted fauna.

The obvious benefit of this is the reduction of multiple applications, the introduction of one licence fee (per class) and equity across all native animal keepers. The HCN sees no need to change the levels of experience required when applying for the next Class and we support the current criteria required to obtain licences of Class 3 and above.

The HCN recommends the return of a five (5) year licensing period for all classes, and not the proposed two (2) year term.

In addition, we would like to see the return of the minimum age requirement to hold a licence to be twelve (12) years, with the obligatory parental/guardian permission, particularly for Companion and Class 1 Licences. Allowing teens to hold a licence in their own names (and not the parents) provides the sense of ownership and directly aligns with the responsibility of owning a reptile or any native animal. It encourages care and interest in our native fauna. This directly leads to better welfare standards and greater knowledge of species as they grow older and move towards having their own collections as adults. The benefit to conservation when children understand, respect, and want to protect our native fauna should outweigh any potential for animal mishandling or cruelty.

Can you suggest any changes to the draft revised NSW Animal Keepers’ Species List to ensure specific species are subject to the appropriate level of regulation?

For Species List changes please refer to our separate document: HCN Proposed Reptiles Species List (attached)

There are species being held in NSW, legally obtained through Import Permits, for which at the time of processing no species codes were available. This processing oversight has resulted in keepers being unable to include the species in their records or in their annual returns. Keepers who have complied with import requirements should not be penalised and should be permitted to update their returns accordingly.

Addition of species to the Species List seized as a result of illegal activity:

We are of the firm belief that native species seized as a result of illegal activity should be rehomed if possible before euthanasia is considered. Currently, the ballot system is the primary method by which these animals are rehomed. We have two recommendations relating to the ballot system which we believe will be beneficial to the several stakeholders involved, including: the herpetocultural community, wildlife organisations, animal welfare organisations and the individuals who maintain these animals prior to release.

Our suggestions are:

- Animals that are currently not on the species list may be lawfully added to the list if they are taken from seizures resulting from wildlife crime. Currently, we understand that if these animals cannot be rehomed they are euthanased. It is an unconvincing welfare argument that animals are euthanased rather than being moved into private collections. Not only is it a needless waste of an animal's life, but it also fuels public support for illegal wild collectors and underground activities – something that is apparent on various social media sites.
- The ballot system should be re-evaluated for the current keeping environment. It is somewhat dated, and there is the potential to recover costs from the auction/sale of seized animals. Perhaps developing a system similar to that used in Western Australia, would be beneficial. Animals seized as a result of wildlife crime which are currently on the private schedule go to a silent auction where people with an appropriate licence class may bid for them. Funds resulting from the auction are put towards the cost of maintaining these animals prior to auction.
- We recommend that all animals that would go to ballot be silently auctioned to holders of Advanced Licence classes, as these keepers will hold more knowledge of the variety of species inducted through seizure. Any remaining animals, having not been successfully auctioned are distributed through the ballot system. We believe this benefits all parties as it enables cost recovery as well as homing animals with experienced keepers thus enhancing welfare outcomes.
- An additional recommendation for both silent auction and ballot is to ensure the appropriate information is made available to potential new owners prior to the auction. Information required could include: the correct identification of the species, the age/size of the species (e.g. the husbandry requirements for a juvenile Lace Monitor are vastly different to those of an adult) and the location of where the animal is to be collected if successful.

Frogs on the Species List:

Although this submission primarily represents the interests of the reptile keeping community, herpetoculture also includes frogs. A large number of reptile licence holders also hold frog keeping licences. Therefore, the HCN has the following comments on the proposed Frog Species List (See also our separate document: "*HCN Proposed Amphibian Species List*")

Do you have any suggestions for improving the animal welfare and record keeping requirements in the draft codes of practice?

All recommendations referred to below are in relation to your document:

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- The HCN would like to see the removal of the reference to Appendix A in clauses 4.1.1.3 and 4.1.1.4. Appendix A is a Species list and yet it contains mention of minimum enclosure sizes. These sizes are not mandatory and the inclusion of Appendix A in 4.1.1 Standards infers a mandatory requirement.
- Appendix A still shows the square meterage required under the category column as (area). These measurements need to be removed from the table in order to make them requirements not enforceable as standards.
- Clause 4.2.1.5: *“An enclosure housing two lizards should be at least 50% larger than the minimum enclosure size (see 4.2.1.2, 4.2.1.3 and Table 1). The enclosure size **must** be increased by at...”* the word ‘must’ needs to be replaced with ‘should’. ‘Must’ implies this is a mandatory requirement, when enclosure sizes are not mandatory.
- The Asian House Gecko (*Hemidactylus frenatus*) is still included in Appendix A (under category A, noted as a climbing species) however is no longer included in the 2016 Species List nor the current Draft 2018 version. This should be corrected.
- 10.1.5 *“Keepers of species listed in the Schedule to this Code must only advertise the disposal or acquisition of reptiles in a specialist publication, journal or internet site related to the keeping of reptiles or native animals.”* This is not comparable to Clause 9 of the General Licensing Conditions of an Animal Keepers Licence. The reference above omits the inclusion of “a publication of a society of keepers of animals”. This should be corrected.

Do you support a risk-based approach to annual records for licenced keepers including simplified returns for Class 1 and advanced keepers, but retention of current animal record book requirements for keepers of venomous snakes?

The HCN supports the proposed risk-based approach, and we strongly encourage the continuation of record book keeping for keepers of venomous snakes.

5.1.2 Mammals

HCN supports the inclusion of mammals in the species list. This is in line with the recommendations of the Independent Biodiversity Review Panel. OEH acknowledges the keeping of mammals on licence has been permitted in other States and Territories, for almost half a century, without major detrimental impact on the wild populations, or welfare of the animals. This places NSW in a perfect position to set the standard for other States to follow, and NSW keepers are well positioned to benefit from the experiences of those in other States. The creation of the Native Mammal Keepers of NSW (NKMN) Working Group – supported by the HCN – provides OEH with the opportunity to form a partnership with a primary stakeholder to ensure welfare concerns can be met, along with the introduction of a Code of Practice, care sheets, protocols and more. These components are being pro-actively produced by the NKMN. The NKMN already has a working partnership with the Marsupial Society (Vic) and this will be of significant benefit to OEH and NSW mammal keepers.

5.2 Dealer Licences

Consultation questions

- Do you support the retention of licensing for pet shops that sell native animals and expanding the list of species they may sell?
- Can you suggest any changes or improvements to the licence conditions for licensed dealers and expos?
- 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?

The above consultation questions have been separated and responded to individually.

Do you support the retention of licensing for pet shops that sell native animals and expanding the list of species they may sell?

The HCN supports the retention of licensing for pet shops dealing in native animals. In principle the HCN supports the expansion of the list of species they may sell. We have concerns about what might be altered following this review, with reference to the criteria and processes a pet shop must meet when applying for and holding a Fauna Dealers Licence (FDL).

The HCN believes the retention of the existing conditions of the Fauna Dealer (Live Reptile) Licence, Schedule A: *Fauna Dealer Licence Conditions, Animal Welfare Conditions, Clause 7* “... 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.

With the increase in species available for sale, the introduction of multiple species within one genus, but with different husbandry requirements, could result in pet shop staff having

insufficient knowledge for a particular species. We suggest that this section be reworded to 'having a minimum of three years' experience with each **species** to be sold' as below:

7. All reptiles held under this licence must be maintained in the care of a person who can demonstrate that they have at least three years relevant experience. This means:

- ♣ For Dragons, experience with the species*
- ♣ For Skinks, experience with the species*
- ♣ For Geckos, experience with the species*
- ♣ For Pythons, experience with the species*
- ♣ For Turtles, experience with the species*

Can you suggest any changes or improvements to the licence conditions for licenced dealers?

Licensing for Fauna Dealers and Expos are two separate issues, and will be discussed separately. Each exists for a different reason. The HCN has no suggestions for licensed dealers.

Can you suggest any changes or improvements to the licence conditions for expos?

The HCN requests OEH to provide the Clause within NPWS Act or the Biodiversity Conservation Act relating to Expos or Special licensing. It is apparent from the advice of the various reptile groups in NSW, that the conditions placed on the organisers of Expos and Shows are inconsistent and seem to be ad hoc. Clarification of these requirements and consistency will assist in the organisation of these events.

The HCN considers that there are two different approaches to running Expos which serve reptile keepers in NSW, those run by Reptile Associations, and those run privately. Reptile Societies are not-for-profit organisations. The expos held by a Society primarily educate and support the reptile-keeping community. They provide a venue for hobbyists to trade in a secure environment.

When asked recently why a licence is required to hold an Expo, the OEH officer's response was:

"If dealing takes place at an expo, it contravenes dealer licensing conditions (which only authorise commercial trading from the registered pet shop premises) and also keeper licence conditions (which only authorises non-commercial trade – ie, trade between hobby keepers). Also, expos are subject to Exhibited Animal Protection Act in some circumstances. The EAP Act provides exemptions for display of animals solely for purpose of sale, for competitive display of household pets, and display at keeper groups meetings."

The EAP Act acknowledges exemptions are provided for displays of animals at meetings of animal Associations, including for the purpose of sale or intended sale (as noted in images 01 & 02 below). Societal run Expos are an outlet for hobby keepers and pre-authorised Fauna Dealers and therefore are not in conflict with the provisions of the EAPA, or Clause 1 of OEH Animal Keeper Licence conditions

Image01

The EAP Act excludes animals displayed solely for sale and the EAP Regulation (clause 5) exempts a range of activities including:

- competitive displays of household pets
- displays authorised by a scientific licence under the *National Parks and Wildlife Act 1974*
- displays in accordance with *Animal Research Act 1985*
- animals kept in a pet shop for display and not for sale
- displays of farm animals at agricultural shows and for promoting agricultural products
- animals displayed at meetings of animal keeping associations
- animals displayed by students for a single "show-and-tell" activity.

Image 02

EAPA Section 5 Definitions

exhibit, in relation to an animal, means the display, or the keeping for display, of the animal for educational, cultural, scientific, entertainment or other prescribed purposes, but does not include the display, or the keeping for display, of an animal solely:

- (a) in connection with the sale or intended sale of the animal,

Drawing your attention to the distinctions:

Reptile Shows

A Reptile Show is an event organised by a not-for-profit reptile/frog keeping Association. Events are held to educate, for promotion of the hobby and husbandry, to gain the support of sponsors, provide a venue for guest speakers, and as an opportunity to trade animals from one hobbyist to another, and between hobbyist and dealer (FDL). These events should not be subject to any OEH licensing fees. Notification of all event details including a floor plan, all vendor numbers allocated including breeders' names, licence number of the AKL and ADR licensees who will be trading, are still required to be provided to OEH prior to the event.

Reptile Expos

A Reptile Expo is an event organised by any private individual for the primary purpose of making a profit. It may include, but is not required to include, any educational material of benefit to the reptile keeping community. These events would be subject to OEH licensing fees, and an application for event approval needs to be lodged with OEH prior to the event. All event details including a floor plan, all vendor/seller details including breeders' names, licence numbers of the AKL and ADR licensees who will be trading, must be provided at the time of application.

Code of Practice:

The HCN has produced a Draft Code of Practice for Community-run Reptile Shows & Privately-run Reptile Expos. We offer this Code for your consideration. A copy of this Code of Practice is attached separately.

As part of the Code, notification of a proposed show will be forwarded to OEH in advance for licence details of sellers to be verified, and for OEH to follow-up with any licensees who hold invalid licences.

We also suggest all Reptile Expos apply for an Expo Approval and be subject to a licensing fee as determined by OEH and should be run in accordance with the Code of Practice.

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

The HCN does not support the introduction of a licence for the sale of native animals over the internet or from their homes.

Clause 9 of the *'General Conditions of a Native Animal Keepers Licence'* clearly indicates 'an internet site related to the keeping of the animal' is permitted.

Today, we believe that sellers of reptiles online should not be restricted. Specialist publications, journals, classifieds, etc, are now largely online, even the 'Societies of Keepers' referred to in the General Conditions all have websites and a Facebook presence.

Online resources are invaluable for specialist reptile keepers. It is within select groups and forums that keepers are able share knowledge, and search for others who have the required level of skill and experience with whom to trade/exchange.

The Review states *"...to address concerns of online dealing to ensure animal welfare standards are maintained..."*, including a requirement that the dealer:

- **'keeps records of all acquisitions and disposals including date and name and licence number of their suppliers and customers'** The requirement to hold an AKL is to maintain records of acquisitions and disposals, including receipts, and the exchange of the AKL details. The new 'Coded' species Code of Practice will recommend the keeping of receipts/records supporting proof of acquisition or disposal. It is our belief this meets the above concern.
- **'develops and applies standard operating procedures covering the cleaning of enclosures, feeding, quarantine for new arrivals and the care of sick and injured animals'**. All animals held as pets fall under the Prevention of Cruelty To Animals (POCTA) Act. This Act is based on welfare outcomes for animals kept as pets and includes husbandry requirements, hygiene and the care of sick and injured animals. It is

a requirement that all reptiles kept as pets in NSW are kept in accordance with the OEH *Code of Practice for Keeping of Reptiles*. This code includes proper husbandry standards etc. Compliance with both the above documents should address concerns about the tracking of transactions involving native fauna.

Other concerns expressed in the Review as reasons to justify an online breeders' licence are:

- **'Similar to welfare concerns about puppy farms'**. Continual monitoring of returns by OEH would quickly highlight any significant increase in the number of sales of animals by a single licensee. and these could be appropriately investigated.
- **'housing and dietary requirements'**. Most responsible keepers are keen to impart knowledge and spend many hours discussing the husbandry requirements of a new purchase with a buyer . We acknowledge there are some who do not. The continuing acquisition of knowledge is important, for the new keeper especially. Much useful information can be found on the internet and animal specific sites, or by contacting a Reptile Society. There are many Australian-based Facebook pages and websites which provide easy access to this material, and there are a number which have been established to provide advice. Some of these contain listings which allow continuing exchange of information indefinitely. We consider the cessation of online selling would reduce the opportunity for the free flow of information.
- **'increased risk of unwanted pets being abandoned or released into the wild since the seller is not required to accept returns of unwanted or diseased animals'**. Most keepers who can no longer keep their animals use the internet and Facebook groups to find new homes for them. The majority of abandoned and unwanted pets are accidental escapees. There is currently no effective Lost & Found system (outside of Facebook) which allows owners to retrieve their animals. An online system such as those suggested in the OEH Native Animal Pets – Background Paper 2017 is supported by the HCN. It is our belief some owners are fearful of attending rescue centres such as WIRES or the RSPCA for fear of being identified or perceived to be irresponsible owners.

The HCN and Bird Clubs have been approached by the owner of an online pet finding service who is prepared to create a section for lost reptiles, free of charge, as a community service. The HCN will be investigating this further in the coming months, and we would like OEH to work with us to make this a reality.

Reptiles have been held in captivity in numbers in NSW for many years. Despite this, there has been no evidence that any native species of lizard or snake has established out-of-range populations in NSW. There have been a few turtle species (*Wollumbinia latisternum*) which have established small populations outside their home range, but no evidence that these are affecting naturally occurring populations of other species. Further, many of the species on the proposed Coded list (e.g. *Tiliqua scincoides*, *Morelia spilota*, *Emydura macquarii*, *Chelodina longicollis*) are widespread in NSW already, including in most large population centres or their environs, so if individuals escaped or

were deliberately released locally, they would simply be competing with individuals of the same species - and as captive-bred stock, often selected for “non-wild” traits such as placidity and atypical coloration, they would be unlikely to establish long-term.

- ***‘limited ability for OEH to monitor animal transactions and identify animals illegally taken from the wild for the purpose of sale’***. The introduction of an online breeders licence will in no way change any ‘possible’ taking from the wild, if anything the opposite will occur. Requiring more keepers to pay higher licence fees will encourage more non-compliance and create a larger black market. This black market would encourage more ‘take from the wild’. The HCN considers that OEH should focus attention on the activities of unlicensed animal keepers and not place greater restrictions on those who are doing the right thing. The HCN would fully support measures undertaken to reduce and minimise the damage of reptile numbers due to feral cats and land clearing, rather than concentrating on the minimalistic numbers of reptiles ‘possibly’ being taken from the wild.
- **an ‘uneven playing field’ for licenced dealers who must comply with licence conditions that seek to prevent and manage these concerns’** As stated previously there is no uneven playing field with regard to animal welfare, or the minimum record requirements. The claim of an uneven playing field is in our view an attempt made by PIAA to reduce and minimise private sellers who are in direct competition.
- **‘online sellers do not meet licence conditions for advertisements to include their licence number and state whether a licence is required to keep the animal’**. It is extremely rare to find advertisements for the sale of reptiles that do not have a *‘licence is required statement’* included. We do not believe this practice is common. In reference to the AKL not being advertised, it has been seen in the past that the advertising of a keeper’s AKL number has been used fraudulently and for this reason legitimate keepers have been reluctant to advertise their number. Whilst most keepers comply with this condition, it is evident some are choosing to protect their collections and their own records by not complying thereby reducing the opportunity of fraud.

As a separate note, should an online breeders’ licence be introduced the removal of many species to Code will result in a larger number of AKL holders no longer needing to adhere to this licence condition.

For those remaining licence holders, an education program aimed at reminding them of their responsibility to ensure any advertising must include a ‘licensing is required’ statement would be a better approach.

The commercial trading of native fauna can only be carried out by a Licenced Pet Shop.

As OEH is aware the attempt to include residential premises and online sellers into the definition of a pet shop, as part of the POCTA revision was rejected by the public and the

Minister for Primary Industries. OEH, DPI and the ATO have the power to investigate those who may not be in compliance with their respective regulations.

Having an advertisement appearing on a listing every week does not constitute 'regular business-like advertising'. It should also be noted many reptiles produce large numbers of young. With the growing availability of reptiles and the increasing numbers available for sale, the time it takes to distribute one lot of hatchlings has extended quite considerably. These keepers should not be penalised.

Keepers should be able to recoup at least some of the costs of purchasing and maintaining their animals by selling some of their progeny. Considering this, we think it unreasonable to limit access to online advertising.

The HCN believes an **Online Breeders Licence** is not warranted. We acknowledge there are individuals who are holders of an Animal Keepers Licence who use it to operate in a 'business-like manner'.

Utilising the '*Criteria used by the ATO*' for determining if online selling is acting in a 'business-like manner', the HCN is comfortable in supporting a potential licence class that allows this to continue.

Proposed Licence to be called: **Specialist Licence.**

This criterion **ONLY** applies if the holder of an AKL is carrying out any of the activities below **specifically WITH the sale of native animals.**

- Holder of ABN used to sell animals
- Has a business name, registered trading name
- Has a website that:
 - has a shopping cart used to purchase animals or
 - has 'similar' wording promoting the sale of an animal – such as: "available now", "Now stocking", "coming soon", "excess stock" – all indicators of the impending sale of the animals.
- Is selling products (i.e. These are in public view with a price tag, etc)
- Utilising 'blitz advertising' such as banners, pop-up windows/advertisements, etc
- Utilises paid staff at their premises
- Premises is set-up/designed as a shop

We acknowledge further consultation on this may be necessary.

5.3 Interstate Import & Export Licences

Consultation questions

- Do you support the retention of import and export licences to monitor interstate movements of native animals?
- Should lower risk species be exempted from licensing, such as species regulated by a code of practice?
- Should import and export licences be discontinued for interstate movements of animals kept by zoos, wildlife parks and tourist attractions?

The HCN does not support the retention of Import and Export Licences covering the interstate movements of native animals. The cost of these permits in NSW is of concern to NSW keepers, especially as other states provide movement advices for free. We believe the only requirement OEH needs is the overall number of species entering and leaving the collection of each licensee. As required for all classes including Coded species, receipts of purchase will provide evidence of acquisition should OEH wish to question the sources of an animal.

Having stated this, if Import & Export Licences are still required for all non-coded species, we suggest a licence activity period of 60 days from the approval date and not the date of application. Considering the long response time from OEH that keepers are currently experiencing, many import/export licences can run out of time before the transaction takes place.

The HCN supports the exemption of lower risk species from licensing, including those regulated by a Code of Practice. Additionally, we support the discontinuation of Import & Export permits for interstate movements of animals kept by zoos, wildlife parks and tourist attractions.

5.4 Taxidermy and preserved specimens

Consultation questions

- Do you support the retention of licensing for taxidermists to enable effective monitoring of the sources of preserved native animals?
- Can you suggest any changes or improvements to the licence conditions and reporting requirements for licensed taxidermists?
- Should persons and organisations holding preserved specimens be exempted from licensing?

HCN supports the retention of licensing for taxidermists, and has no suggested changes or improvements.

Those holding preserved specimens should be exempted from licensing, but need to be able to verify the provenance of the specimens they hold.

7.1 Current Licence Fees

Consultation questions

- Do you have any comments on the proposed principles for determining licence fees?
- Do you have any suggestions to improve fairness and equity in setting licence fees?

The HCN encourages the continuation of pensioner discounts of 20% and the 10% discount for applications processed online.

Table 15 of the Review highlights many discrepancies in fee charges proving inequity with both species and licence classes. An explanation for why reptile licence fees are higher than those of other native animals is sought, particularly Fauna Dealers Licence (FDL) fees for reptiles being four times the value than other FDL.

A welcomed result would be an evening out of all fees across the different species, their classes, including the FDL's. The streamlining into single Animal Keeper Licences would also prove equitable

With the promised return of 5 year licence periods, we would encourage a considerable discounted value in comparison to the two year value, to encourage more licence keepers onto five year terms, effectively reducing OEH's administrative costs.

It would be encouraging to see OEH utilising funds raised through licensing fees for conservation projects or being re-tasked to funding education projects, particularly those that could be held at Society-based Expos, and through regular Society meetings. This cohesive and supporting relationship would certainly go a long way to encouraging reptile keepers to renew licences, with the knowledge their money was being returned to the community.

Catch & Release operators are required by OEH/NPWS to have their own Public Liability Insurance. Considering this, perhaps they should be exempt from a licence fee, or if they are required to pay a licence fee then is it possible they be covered under the Government Insurance like other wildlife rescue operators.

We recommend, with the introduction of a new 'online breeders licence' (or the HCN's suggested "Specialist Licence') that a fee that is reasonable would encourage more keepers to comply.

The HCN would like to see an agreement of no licence fee for Reptile Shows organised by not-for-profit reptile Associations.

Appendix 1: The HCN recommends a similar listing of approved wildlife training providers. (Source: <https://www.ehp.qld.gov.au/licences-permits/plants-animals/documents/wildlife-training-providers.pdf>)

Department of Environment and Heritage Protection

Notice

Wildlife management

Department of Environment and Heritage Protection approved wildlife training providers

If you wish to be considered as an approved wildlife training provider please contact wildlife.management@ehp.qld.gov.au for consideration.

COMMERCIAL WILDLIFE LICENCE

Commercial wildlife licence (training for staff that operate a pet shop that sells reptiles)

Approved service providers			
Name	Phone	Mobile	Webpage
Cool Companions	(07) 3814 0100		www.coolcompanions.com.au
Gecko Wildlife Presentations	(07) 328 94709	0411 119 787	www.geckoeswildlife.com.au

REPTILE DAMAGE MITIGATION PERMIT

Damage mitigation permit (removal and relocation) for people wishing to operate as a reptile relocater

Approved venomous reptile training providers:			
Name	Phone	Mobile	Webpage
Educational Reptile Displays (ERD)		0413 128 248	www.educationalreptiledisplays.com.au
Mr Sean McCarthy		0418 809 797	www.snakehandler.com.au
Mr Geoff Coombe		0408 108 508	www.livingwithwildlife.net
Cool Companions	(07) 3814 0100		www.coolcompanions.com.au
Gecko Wildlife Presentations	(07) 328 94709	0411 119 787	www.geckoeswildlife.com.au
Blackadder Reptiles		0419 788 167	www.blackadderreptiles.com
Mr Ray Wallbank		0410 774 924	www.ermq.com.au



Notice

Department of Environment and Heritage Protection approved wildlife training providers

Approved venomous reptile training providers:			
Name	Phone	Mobile	Webpage
Educational Reptile Displays (ERD)		0413 128 248	www.educationalreptiledisplays.com.au
Ranger Dan and Jackie Hands on Wildlife		0437 056 156 0437 056 157	www.handsonwildlife.com.au
Mr David Manning Animal Ark Pty Ltd	(08) 9243 3044	0466 688 188	www.animalark.com.au
Mr Scott Eipper Nature 4 You		0419 328 251	www.wildlifedemonstrations.com
Mr David Williams Reptile Education & Safety Training Australia	(07) 4157 2948		www.resta.com.au
Mr Brian Bush Snakes Harmful & Harmless	(08) 9295 3007	0429 707 479	www.wa-snakes.com.au
Mr Max Jackson Australian Wildlife Encounters		0477 040 037 0407 785 892	www.australianwildlifeencounters.com.au
Mr Raymond Hoser	(03) 9812 3322	0412 777 211	www.raymondhoser.com
Mr Craig Adams Snake and Spider Safety Awareness for Employees (SSSAFE)		0409 786 659	www.sssafe.com.au
Mr Ronald Burrell Snake Catchers Adelaide		0413 511 440	www.snakecatchersadelaide.com.au
Mr John Mostyn John's Reptile Awareness Displays		0416 922 282	www.jmvenomoussnakes.com.au
Mr Euan John Edwards Elapid Environmental		0432 470 448	http://elapidenviro.com.au/

Version history

Version	Effective date	Comments
1.00	17 August 2016	Approved by Director, Wildlife Management.
1.01	25 October 2016	New provider added to list
1.02	16 March 2017	Updated provider information