



NSW Wildlife Council Inc.

Achieving optimal outcomes for Australian wildlife

## NSW WILDLIFE COUNCIL (NWC) COMMENT– DISCUSSION PAPER

### **Towards a risk-based approach to wildlife licences under the Biodiversity Conservation Act 2016.**

Again, the NWC thanks Office of Environment & Heritage for the opportunity to comment after the closing date on the discussion paper on all currently licensed activities related to wildlife with the exception of flying-fox camp management, kangaroo management and wildlife rehabilitation.

The NWC is able to update the number of wildlife rescuers and rehabilitators that make up the membership of its 25 member groups or agencies that hold a licence to rescue and rehabilitate wildlife. Groups disclosed in April 2018 that their volunteer membership for volunteers insurance purposes totalled 3887. Excepted from that number is one Agency in the Corrections System and an organisation that deals with rescue/rehabilitation of Marine Mammals and Reptiles.

In its original 2016 submission, and repeated at the 27 February 2017 consultation briefing on Animal Keeper and Dealer licences NWC stated:

*Licensed wildlife rehabilitation groups are in many respects the “Native Animal Welfare League” and receive into rehabilitation care many different species of wildlife that well-meaning but untrained members of the public have attempted to foster or hand rear. On many occasions much harm and suffering has been caused that there is no alternative but to euthanase these under or wrongly-nourished and compromised animals. In many cases the original encounter location is unknown, or these animals have been translocated and would compromise genetic integrity if they were to be rehabilitated and released. There is a great potential for spread of disease and competition for habitat with endemic fauna. All these factors will have a significant deleterious effect on wildlife populations and Biodiversity – things the Bill (sic) is supposed to protect and enhance. Relaxing licensing provisions as they exist today in our view will lead to an increase in harm to and illegal sales of native fauna. As a result more animals will be subject to abuse, cruelty and neglect and will end up abandoned or surrendered to wildlife groups, veterinary clinics or RSPCA depots. Wildlife rehabilitators deal with many stressful and distressing situations with great fortitude, skill and determination. Unintentional harm caused to wildlife by ignorant but well-meaning members of the public can be one of the most distressing things faced by a rehabilitator.*

With that background experience of, and potential for bad outcomes when untrained people attempt to keep and husband native animals, the rehabilitation sector looks askance and with

little confidence in processes that permit native animals to be held by members of the public in an unregulated and unlicensed environment, with no training or oversight and simply a Code of Practice to follow.

Comment on the Discussion Paper:

**1.3.1. Legal Framework.** If there is no oversight by way of licensing how will it be known to charge an alleged offender who may call upon the defence that an action was done in accordance with an approved code of practice?

**1.3.2. Objectives and benefits of a risk-based approach.** The contention in the Discussion Paper is that not enough differentiation was made in the Panel's final report between low and high risk activities which then went on to outline the benefits of a risk-based approach. That is what the original desired objective seemed to be – to cut red tape without creating poor outcomes for Conservation. This approach would further allow a higher concentration of effort on regulating higher risk activities.

Throughout this submission NWC will detail where it feels a relaxed licensing regime will present an unacceptably high risk.

**1.3.3. Assessing the risks of licensed activities.** NWC agrees with the common-sense approach to assessing the risks of licensed activities.

**1.3.4 The use of codes of practice.** Later in this submission NWC will question the transfer from Companion to Code of certain additional animals on the Revised NSW Native Animal Keepers' Species List.

The codes will include mandatory (enforceable) standards. How will these be monitored where a licence to hold is not required? It is noted "*Authorised officers under the BC Act may take the following actions.....consistent with a risk-based approach to enforcement*". It is the experience of licensed wildlife rehabilitation groups that it is very difficult for NPWS personnel currently to attend any enforcement activities due to person-power constraints caused by the need to attend to tasks that have been given a higher priority than wildlife welfare matters. Lack of investigation of complaints about illegal dealing/holding of wildlife has long been a source of angst to the rehabilitation sector; without a robust licensing regime we believe operating under a code of practice presents an unacceptably high risk to many species of wildlife.

## **2.2 Flying-fox orchard damage mitigation**

NWC would like to see changed wording from "unprecedented and not regular" to "unprecedented" - 5<sup>th</sup> dot point on the basis one or the other can happen, not both.

### **Section 2 Consultation questions:**

YES – licensing should be retained for all activities currently requiring a TS licence.

NO – We do not believe there are any lower risk activities that could be suitable for “regulating under an ..... BC Act code of practice”.

### **3. Wildlife trade management licences 3.1.1. Kangaroo harvesting.**

Recommends word in italics

3<sup>rd</sup> dot point

- undertakes species population surveys *at a minimum of triennial intervals* and ...

5<sup>th</sup> dot point

- undertakes *biennial* inspections and audits....

New dot point

- advises NSW Wildlife Council of geographic locations of kangaroo harvesting licence applications

**3.3 Emu Farming** – NWC supports the retention of licensing for emu farming.

### **4. Damage mitigation licences**

NWC recommends amended or additional conditions are placed on licences:

- 48 hours (not 24 hours) notice should be given to neighbours within one kilometre
- Additional: dependent young of animals shot/harmed must be humanely euthanased or captured and passed to a licensed wildlife rehabilitation group. If unable to be captured without risk to the animal the local rehabilitation provider should be informed.

How do we get through the message that a chase of more than 1 minute duration could lead to capture myopathy?

#### **Section 4.2 Consultation questions:**

YES – all nominated shooters should be listed on.....

YES – improvements to conditions as dot-pointed above

#### **4.2.2. Protected birds**

Paragraph starting “About 80%.....” Please correct spelling to become “*euthanasing*” (not *euthanizing*) to provide consistency with all other documents.

#### **Section 4.2.2 Consultation questions:**

YES – support retention of licensing for harming protected birds

NO – suggestions for improvements of conditions

NO – do not agree for specific codes of practice for harming birds in specified circumstances

### 4.2.3 Other Native Animals

#### Section 4.2.3 Consultation questions:

YES – Licensing should be retained for harm to wombats and other protected animals.

#### Section 4.3.2 Consultation questions:

YES – retain licensing of possum catch and release

YES – landholder consent to catch and release licence holder

NO – improvements suggested to minimum standards

### Section 4.4 Catch and release reptiles

Release should be not more than 5 kilometres from the capture sight unless unsafe to humans.

#### 4.4.2 Consultation questions:

YES – retain reptile handlers licensing

## 5. Keeping and dealing licences - 5.1.2. Proposed risk-based approach to animal licensing

NWC was not party to the original deliberations of the Native Animal Keepers Consultative Committee on changes to the Species List during the BC Act development process and is therefore not aware of reasons why additional Threatened Species birds have been added to the *Revised NSW Native Animal Keepers' Species List*. It would seem that Critically Endangered CE – TS Birds, and Endangered E – TS Birds should require some form of licensing and not be placed on a list that will become exempt from licensing provisions.

It is noted the discussion paper acknowledges the concerns of wildlife rehabilitation and animal welfare groups and their opposition to discontinuation of animal keeping licensing. These concerns remain. However, it is recognised there is a compelling argument for the reduction in red tape to convert >20500 animal keeping licences to becoming a code-compliant activity.

**Question:** How, by whom and when is compliance with a code of practice to be monitored?

NWC's concern is if it is not known who is holding these animals how can there be any oversight?

It is NWC's view that animal keeping under a code of practice is a medium to high risk activity and must not be considered for Class 1 animals until a robust toolbox of husbandry resource materials, codes of practice, and a public education program is developed and presented, and its currency maintained and repeated at regular intervals.

## Management of abandoned, escaped and seized native animals

NWC should be consulted on any proposed changes to how disposition of these animals is currently managed. NWC's view that these animals should be dealt with as follows:

Reptiles – handed to a local herpetological society, fauna park/exhibitor or euthanased

Birds – if immediate attempts to find an escaped bird's owner are unsuccessful, the bird should be handed to a bird keeping group or transferred to a fauna park/exhibitor or euthanased.

Abandoned or seized birds should be transferred where possible to a bird keeping group or transferred to a fauna park/exhibitor or euthanased.

Animals – action taken as appropriate to each species e.g. transfer to fauna park/exhibitor or euthanasia

Rehabilitation groups must not be expected to incur other than short term food, housing or veterinary costs associated with temporary hold of seized or abandoned native animals.

If a permanent care authority meets appropriate OEH guidelines for a rehabilitation group it may be considered for this category of wildlife.

## Keeping native mammals as pets

It is an acknowledged part of human nature that many people wish to confine native animals in a captive situation for their own personal pleasure with little or no consideration given to conservation of any particular species – simply to have and to hold, to interact with, to look at and own. Since the advent of the wildlife licensing systems under the National Parks and Wildlife Act 1974 there have been a number of concerted attempts by lobbyists to relax regulations in NSW to permit the holding of an increased number of mammal species as pets. The rehabilitation sector has vigorously opposed this lobbying from the standpoint that on conservation and animal welfare grounds native animals should be free-living species, in their endemic habitat in appropriate family structures where they can exhibit natural behaviours and normal mating practices. The OEH website includes a Fact Sheet on the OEH policy *Why you can't keep native animals as pets*. This presents the compelling arguments which are based mostly on Animal Welfare grounds. Human safety is also a consideration with particular species that may show aggressive or atypical behaviour in a captive state.

We have noted Facebook posts by Native Mammal Keepers of NSW exhorting its membership to submit their comment to the Discussion Paper in an effort to relax protections currently afforded to NSW wildlife by legislation and regulation. We are sure RSPCA has some interesting data that would substantiate NWC's contention that it is highly risky to extend the species list of Native Animals that can be kept in captivity either with or without a licence by untrained members of the public. Unsuitable housing, diet, lack of ability to exhibit natural behaviours, mating, et al constitutes cruelty. Do we want this for our wildlife? Is it an acceptable outcome on animal welfare grounds? Sugar Gliders for instance live in large and complex family structures, are

nocturnal, and gliding is their natural form of movement from their arboreal hollows for foraging and normal living. What artificial diet could reproduce the arthropods and manna found in their natural diet? Quolls, another species often mentioned as a “pet” candidate are partly arboreal and favour dens that would be difficult to provide in a captive situation, not to mention their natural diet of small to medium sized mammals and birds. What would the quality of life be for a quoll confined in captivity in unsuitable housing, unable to display its natural behaviours? Without doubt such an animal would be subjected to a cruel and unnatural life. From what “seed stock” would these animals be sourced? What risks are posed by escapees into the wild?

NWC does not support the addition of any mammal species to the Native Animal Keepers’ Species List. In our view this would be an extremely high risk activity.

### **Consultation questions:**

Q• Do you support the proposed staged approach to implementing a risk-based approach to regulating native animal keeping?

Answer: Conditional support might be given provided no Threatened Species of Level E or CE are included on a Code only list. Ongoing Stakeholder consultations should be mandatory before any changes are made or Regulations proclaimed.

- 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?

Answer: All CE and E Threatened Species should be regulated by some form of licensing in perpetuity

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

Answer: All Animal Keeper codes of practice should be stand-alone documents and not a compilation of OEH and DPI, or other agency, 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?

Answer: Yes.

## **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?

Answer: This is actually 2 questions and NWC has different answers to both.

Q1 – NWC supports the retention of licensing for pet shops that sell native animals and

Q2 - NWC does not support expanding the list of species they may sell.

- Can you suggest any changes or improvements to the licence conditions for licensed dealers and expos? - Answer: Licensed dealers should hold an Australian Business Number ABN
- Should licensing also be required for persons undertaking the business of selling native animals over the internet or from their homes? - YES
- 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? – Answer: More than 10 animal sales per annum might be a criterion to identify as a business activity (what about e.g. python multiple births??).

### 5.3 Interstate import and export licenses

#### Consultation questions

- Do you support the retention of import and export licences to monitor interstate movements of native animals? YES
- Should lower risk species be exempted from licensing, such as species regulated by a code of practice? YES. NWC supports exemptions from import and export licensing of wildlife species held by a licensed rehabilitation group crossing state borders for veterinary treatment. It further supports unlicensed crossing of state borders for rehabilitation, pre-release or release of species that naturally migrate e.g. flying-foxes, birds, marine reptiles.
- Should import and export licences be discontinued for interstate movements of animals kept by zoos, wildlife parks and tourist attractions? NO.

### 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? YES
- Can you suggest any changes or improvements to the licence conditions and reporting requirements for licensed taxidermists? NO
- Should persons and organisations holding preserved specimens be exempted from licensing?  
**Conditionally:** Wildlife rehabilitation groups that hold in a Feather Bank bird (usually raptor) wings and feathers for use in rehabilitation imping, should not need to have specific approvals. Specific approvals should not apply to frozen animal carcasses used for educational purposes in rehabilitation training courses.

Other holding of preserved specimens should be licensed.

6 and 7 NWC is not offering comment

End of submission:

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