

# Discussion Paper – Summary

Towards a risk-based approach  
to wildlife licences



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# Have your say on wildlife licensing reforms

The NSW Office of Environment and Heritage (OEH) has issued a discussion paper *Towards a risk-based approach to wildlife licences*.

The discussion paper includes proposals for changes to wildlife licensing under the *Biodiversity Conservation Act 2016* (BC Act).

Draft codes of practice for keeping native amphibians, birds and reptiles, and a revised draft NSW Animal Keepers Species List are also issued for consultation.

We invite you to provide feedback on the discussion paper, draft codes of practice and draft species list.

All consultation documents and advice on how to make a submission are available online on the Wildlife licensing changes: Public consultation page.

Submissions close 24 July 2018.

## The risk-based approach to wildlife licensing

OEH administers almost 40,000 licences across over 30 licence classes to regulate interactions between humans and native wildlife.

These licences cover a range of activities including:

- impacts to threatened species and threatened ecological communities
- harvesting and trade in native animals and plants
- harming native animals that pose threats to safety and property
- keeping native animals as pets and taxidermy
- scientific, conservation and educational activities involving native wildlife.

All wildlife licence classes are being reviewed to implement a risk-based approach to regulating human-wildlife interactions as required by the BC Act. Under the risk-based approach:

- lower risk activities will be exempted from specified wildlife offences
- moderate-risk activities will be regulated by enforceable codes of practice
- higher risk activities will remain subject to licensing
- activities not permitted under exemptions, codes or licensing will remain prohibited.

The adoption of a risk-based approach was recommended by the Independent Biodiversity Legislation Review Panel. A risk-based approach is intended to have significant benefits including:

- reducing administration and compliance costs for lower risk human-wildlife interactions, for both OEH and its customers
- enabling OEH to concentrate enforcement efforts and more effectively regulate higher risk activities.

## Summary of proposals

The proposals in the discussion paper are summarised below.

The discussion paper includes further information on current licence classes including the activities permitted under each licence class, licence conditions and data on licensed activities.

This discussion paper seeks comment on all currently licensed activities except for activities that are subject to separate review processes during 2018, such as flying-fox camp management, kangaroo management and wildlife rehabilitation.

Stakeholder comments on the discussion paper will be considered in finalising changes to licence classes. Approved changes to licence classes and approved codes of practice and exemptions will be progressively implemented from the second half of 2018.

## Threatened species licences

The discussion paper proposes to retain licensing under the BC Act for:

- minor developments that impact threatened species and threatened ecological communities and are not subject to biodiversity assessments and protections under planning laws – these were known as section 91 licences under the former *Threatened Species Conservation Act 1995* (TSC Act)
- controlling flying-foxes to mitigate damage to fruit crops.

Stakeholder comments are sought on:

- whether lower risk activities, previously subject to section 95 certificates under the former TSC Act, may be suitable for regulating under a BC Act code of practice
- improvements to licence conditions to enhance the protection of threatened species.

The discussion paper notes the separate review of flying-fox camp management on public land and does not seek comment on this issue.

## Wildlife trade management licences

Commercial activities involving protected native plants and animals are subject to NSW wildlife trade management plans and captive breeding programs approved under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

These plans and programs are intended to ensure commercial use of wildlife is ecologically sustainable and ensure methods of harvesting animals are humane.

The discussion paper proposes to retain licensing for emu farming in accordance with the approved NSW captive breeding program for emus

Stakeholder comments are sought on improvements to emu farming licence conditions

The discussion paper notes the separate reviews of NSW kangaroo management and protected plant management plans, and does not seek comments on these licence classes.

## Protected animal damage mitigation licences

The discussion paper proposes to retain licensing for landholders seeking to harm protected animals that pose threats to safety and property.

Stakeholder comments are sought on:

- whether nominated shooters should be listed on landholder's licences to harm, rather than issuing separate licences to nominated shooters

- improvements to the licence conditions for harming native animals for damage mitigation purposes
- whether codes of practice should be developed for harming native birds at airports, public parks and grain silos as an alternative to licensing.

The discussion paper notes the separate review of NSW kangaroo management and does not seek comments on licences to mitigate damage caused by kangaroos.

## Catch and release licences

The discussion paper proposes to regulate the relocation of possums from buildings, residences and parks under a BC Act code of practice, rather than retaining possum 'catch and release' licences.

In view of the higher risk to public safety, it is proposed to retain catch and release' licences for reptile handlers.

Stakeholder comments are sought on:

- whether licensing for possum relocation should be replaced by a BC Act code of practice that incorporates the minimum standards in OEH's possum management policy
- how reptile 'catch and release' licence eligibility criteria and conditions can be improved to ensure handlers have the competency and knowledge to safely catch and relocate reptiles.

## Native animal keeping licences

The discussion paper notes stakeholders' concerns applying the risk-based approach to native animal keeping. It proposes a measured and staged approach to implementing a risk-based approach, under which:

- the keeping of a limited number of lower risk native bird, frog and reptile species is regulated under a BC Act code of practice rather than licensing
- licensing is retained for keeping other species in the NSW Animal Keepers Species List, including dangerous snakes and species at risk of being taken illegally from the wild
- a risk assessment tool is used to assess additions to the Species List and determine whether species should be regulated by a code of practice or keeper licensing
- the animal keeper record book is replaced with a simplified annual return indicating the number and species of animals kept under licence
- procedures for re-homing abandoned or escaped native animal pets are reviewed, and the type and number of pets requiring re-homing is closely monitored as the risk-based approach is implemented
- community education programs are developed to promote voluntary compliance with licence conditions and codes of practice.

The outcomes of the reforms will be reviewed after three years before any expansion of the species that are regulated by codes of practice.

Stakeholder comments are sought on:

- the proposed staged approach to implementing a risk-based approach to regulating native animal keeping
- the revised draft NSW Animal Keepers' Species List and draft species risk assessment tool that are intended to ensure species are subject to the right level of regulation



- the animal welfare and record keeping requirements in the draft codes of practice for keeping native amphibians, birds, and reptiles
- the introduction of simplified annual returns for licensed keepers, but retention of current animal record book requirements for keepers of venomous snakes.

## **Animal dealing licences**

The discussion paper proposes to retain licensing for pet shops that sell native reptiles and birds and expand the list of species they may sell to include:

- all bird and reptile species that are regulated by a code of practice and class 1 licences
- a small number of frog species and the two mammal species that may be kept in NSW.

Temporary dealer licences for organisers of fairs and expos where native animal pets (excluding venomous snakes) are sold will also be maintained.

A new licence class is proposed to be introduced for online and home-based businesses dealing in native animal pets, subject to further consultation with stakeholders.

These businesses are not currently subject to the animal welfare, customer service and record keeping standards that apply to licensed pet shops. Criteria used by the Australian Taxation Office will be used to distinguish between dealing as a business and dealing incidental to keeping native animals as a hobby.

The discussion paper proposes to a risk-based approach to licensing the interstate import and export of native animals. Under this approach licensing will be retained for all protected animal species, except species that may be kept under a code of practice and native animals kept by zoos and wildlife parks that are subject to exhibited animal protection laws.

Stakeholder comments are sought on:

- the proposed expansion of the list of native animal species that may be sold by licensed pet shops
- improvements to the licence conditions for licensed pet shops and expos
- the proposed discontinuation of interstate import and export licences for lower risk native animal pets and animals kept by zoos and wildlife parks
- the proposal to licence online and home-based businesses selling native animal pets, and the conditions and reporting requirements that should apply to these licences.

## **Taxidermy and preserved specimen licences**

The discussion paper proposes to retain licensing for professional and hobby taxidermists and for emu egg carvers to enable effective monitoring to ensure native animals and emu eggs are not taken from the wild for preservation.

As taxidermists will remain subject to licensing, it is not considered necessary to maintain licensing or require reporting for holding preserved animal specimens.

Instead, it is proposed that holding preserved specimens of native animals is exempted from the offence of possessing native animals under the Biodiversity Conservation Regulation 2017 (BC Regulation).

Stakeholder comments are sought on:

- improvements to the licence conditions and reporting requirements for licensed taxidermists and emu egg carvers
- the discontinuation of licensing for holding preserved specimens of native animals.

## Scientific licences

Scientific licences authorise research, conservation or educational activities that may impact threatened species, ecological communities and habitats and protected animals and plants.

Scientific licences contribute to the body of environmental knowledge through licence conditions that require the provision of reports and species data for inclusion on the NSW BioNet database, the NSW Government's system for plant and animal sightings information.

There are currently 12 classes of scientific licence, including research projects, ecological assessments bush regeneration, bird and bat banding, and keeping animals at educational institutions.

The discussion paper proposes the following changes to scientific licences:

- combine the licence classes ecological survey or consultancy and biodiversity assessments
- retain the licence classes for translocations and reintroductions, ecological burns, karst research and abiotic sampling in national parks
- consider replacing licensing for bush regeneration and seed collection (excluding threatened species) with codes of practice
- discontinue licensing for individuals approved by Australian Bird and Bat Banding Scheme but continue to licence research projects involving bird and bat banding
- discontinue licensing for schools to keep native animals for education purposes if their activities are approved by the NSW Schools Animal Care and Ethics Committee.

Stakeholder comments are sought on the proposed changes to scientific licences, licence application assessment processes and licence conditions.

## Licence fees

Licence fees vary considerably across licence classes. For some licence classes, fees have been set at the level required to recover costs of licence administration and compliance monitoring. For other licence classes, no fee is charged on the basis they constitute a service to the community. Fees for individual licence classes have been revised at various times and are not currently calculated according to a consistent methodology.

The BC Act provides for a standard application fee to be set by the BC Regulation and an additional fee reflecting the costs of determining applications.

Stakeholder comments are sought on the proposed fee setting principles that include:

- applying cost-recovery principles to fees for licences that provide a commercial benefit to the licensee, such as kangaroo harvesting and animal dealer licences
- discounting fees for licensed activities that provide public benefits such as scientific licences for research and conservation projects
- maintaining current fee exemptions for damage mitigation licences
- maintaining current pensioner and online lodgement discounts for animal keeper licences.