

# Protected animal specimens

## Key facts

The Protected Animal Specimens Code of Practice 2023 is an **enforceable regulatory code** adopted under the Biodiversity Conservation Regulation 2017. As part of the reforms to wildlife licensing, some activities involving protected animal specimens will no longer require a biodiversity conservation licence and instead be authorised by the code.

## What is a regulatory code of practice?

The Biodiversity Conservation Regulation allows for the creation of codes of practice relating to animals or plants as a defence to prosecuting an offence under the *Biodiversity Conservation Act 2016*. Codes of practice set out the compliance and management requirements for activities involving protected wildlife.

The Biodiversity Conservation Regulation permits codes of practice to impose registration and record keeping obligations to the Department of Climate Change, Energy, the Environment and Water on those registered to a code of practice. To comply with a code of practice, a person must abide by its terms. Penalties may apply for non-compliance.

## How does the code protect biodiversity values?

The purpose of the code is to ensure animals and animal parts intended for preservation, such as taxidermy, jewellery making, egg carving and decorative arts, are lawfully sourced and protected wild animals are not harmed.

A person may only seek a defence under the code if it involves dealing in a carcass, preserved specimen or skeletal material of a protected animal found dead by that person and that person did not harm or cause its death. Feathers and skin from protected animals must have been naturally shed or moulted, and eggs and egg shards must be non-viable and cannot be collected from a nest.

## How does the code reduce regulatory burden?

Before this code was made, anyone possessing a protected animal specimen (including feathers and eggs) required a biodiversity conservation licence as a defence to being prosecuted under the Biodiversity Conservation Act.

It is free to register for the code, it provides a defence from prosecution for code authorised activities, has fewer reporting requirements and no application assessment process as opposed to a biodiversity conservation licence, which imposes more stringent record keeping, application, and assessment processes as well as initial and ongoing fees.

## Registration to the code

Registration helps improve our capacity as a regulator by providing us with the information we need to effectively monitor the codes implementation, manage biodiversity conservation risks, deliver helpful educational materials, and notify people in the event of any changes.

To comply with the code, a person must register their personal details with the department and information about specimens in their possession. The registration is a 'once off' activity unless your contact information changes, you acquire, collect, or buy new specimens, or you sell, give away, trade, or exchange your specimens. Changes to personal details must be updated within 28 days. Specimen information changes, including acquiring, collecting, and buying new specimens or selling, giving away, trading, or exchanging your specimens, must be reported annually by your reporting date (12-month anniversary of your registration to the code).

## Who is eligible to register under the code?

A person can register under the code if they are over the age of 16 years and have **not** contravened the Biodiversity Conservation Act, Biodiversity Conservation Regulation, or another statutory instrument under the Biodiversity Conservation Act.

## Who is not eligible to register under the code?

Businesses, corporations, and persons under 16 are not eligible. A person who has contravened the Biodiversity Conservation Act, Biodiversity Conservation Regulation or another statutory instrument under the Biodiversity Conservation Act is also not eligible.

## Who does the code apply to?

A person can register under the code who:

- has in their possession specimens of protected animals that do not include threatened species, birds of prey, marine mammals, or sea turtles
- intends to collect a carcass of a protected animal that was not harmed (for example, it was found dead) and have that carcass preserved
- intends to collect naturally shed feathers or skin of a protected animal

- intends to collect a non-viable egg or egg shard of a protected animal
- intends to collect skeletal material (bones or bone shards) of a protected animal.

## What is not covered by the code?

The following activities and specimen types are excluded from the code:

- the act of processing a carcass for preservation, such as taxidermy, articulation, wet preservation
- importing or exporting preserved specimens to or from New South Wales
- specimens of threatened species, marine mammals, sea turtles or birds of prey
- carcasses of kangaroos harmed for commercial purposes (for example, in New South Wales, kangaroos authorised to be commercially harvested under the kangaroo management program)
- carcasses of animals harmed for non-commercial purposes (all other animals authorised to be harmed under a biodiversity conservation licence or other authority)
- ambergris (waste product from whales)
- unpreserved specimens such as blood, tissue, and organs of animals
- preservation of specimens by cryopreservation or dealing in specimens that have been subject to a cryopreservation process.

## What activities can be undertaken under the code?

A person may deal in protected animal specimens of species eligible under the code. Dealing under the code means possessing, buying, selling, and trading.

## When do I need to report?

If your specimen information remains the same, then you are not required to report to the department, that is, you have only possessed the same specimen for that 12-month period.

If your specimen information changes, you must report those changes to the department every year by your reporting date. Your reporting date is the date you registered to the code. For example, if you register your details on 25 June 2023, you will need to update the species information for the specimens you acquire, collect, buy, sell, give away, exchange, gift or inherit by 25 June every year.

## Annual transaction limit

A person registered under the code may only make a maximum of 5 transactions in any 12 months from the date of registration under the code. There is no limit on the number of protected animal specimens a person can exchange or gift in a year.

A transaction means the buying or selling of one individual specimen between one person and another person on a single date or the buying or selling of multiple specimens derived from the same individual animal between one person and another person on a single date.

If you buy and sell specimens, you must report all transactions by your reporting date (12-month anniversary of your registration to the code).

## Why is there a transaction limit?

The opportunity to buy and sell protected specimens was previously not permitted under a biodiversity conservation licence. Placing a limit on transactions authorised under the code will ensure the department monitors this newly permitted activity in consideration of potential commercial and conservation risks.

## Trade in specimens not included under transaction limit

There is no limit on the number of protected animal specimens a person can exchange or gift in a year, but if the specimens in your possession have changed, you must update those changes by your reporting date (12-month anniversary of your registration to the code).

## What information will the department collect?

Personal details include a person's full name, residential address, date of birth, email address and phone number.

Information about the specimens in their possession, including:

- the number
- species
- specimen type
- the date on which the specimen was dealt
- information regarding the person with whom you exchanged the specimen with
- the location from where the specimen was collected if found in the wild (and permissions, if applicable)
- details of any tags or labels, if available.

## What happens if I don't comply with the code?

A person seeking a defence under the code must comply with all code conditions. It is a defence to an offence under Section 2.5 of the Biodiversity Conservation Act. Failure to comply with the code takes away this defence, and as a result, you may be fined or prosecuted.

## What is a protected animal specimen?

A protected animal is any species of Australian native animal referred to in Schedule 5 of the Biodiversity Conservation Act (mammals, reptiles, birds, and amphibians) at any stage of biological development, including death.

A specimen is a whole or any part of a species of protected animal. Specimens include deceased bodies, body parts, eggs, non-viable eggs, egg shards, feathers, skeletal materials, preserved specimens or skins, and any other part of a protected animal, but does not include the scat or other waste of a protected animal.

## What is a threatened species?

A critically endangered species, an endangered species or a vulnerable species listed in Schedule 1 of the Biodiversity Conservation Act.

## Can I register to the code as a business or organisation?

No. To register to the code, you must be a natural person. That is an individual person and not a body corporate, corporation, or organisation.

## How long before the code covers me after registration?

You are covered as soon as you complete the online registration and receive a notification advising you are registered and provides you with a Code Registration ID number.

## Can I have my deceased native pet that died taxidermied and keep it?

Yes, if it is not a threatened species. Animal keepers wishing to have their deceased pet taxidermied by a person with appropriate authority (such as a biodiversity conservation licensed taxidermist) are authorised to keep it under the code or their biodiversity conservation licence.

If your pet is not a threatened species and it died naturally, or it was euthanised by a vet for legitimate health reasons, you may transition to the code instead of retaining a biodiversity conservation licence. If you have no other live animals in your possession, it is recommended that you transition to the code rather than retain a biodiversity conservation licence, as the code is free and there are fewer reporting requirements.

If your pet is a threatened species, you must retain a biodiversity conservation licence and abide by those licence conditions to have that animal in your possession.

## If my native pet has shed their feather, skin, or laid non-viable eggs, do I need to register this with the code as well as have a biodiversity conservation licence?

No, your biodiversity conservation licence that authorises you to keep native animals applies to animals dead and alive.

If you no longer possess any live animals and wish to retain specimens that are covered by the code, you can register under the code and then surrender your licence.

## Collecting specimens

If you want to collect a specimen of a protected animal that is not on your property, then you must have the prior written consent from the owner of that land or person with appropriate delegated authority giving you permission to take the specimen.

## Does the code allow me to use a protected specimen, for example, feathers, for artwork?

Yes, if your specimen type and species are covered under the code. You must register under the code with the specimen information and your personal details. To sell the artwork, you must comply with the transaction limit.

## Can I import and export protected animal specimens under the code?

No. You require an appropriate authority to import or export the protected animal specimen, such as a biodiversity conservation licence that authorises importing or exporting that specimen.

## I am moving from New South Wales to another state/territory. Can I take my protected animal specimens with me?

Yes, but you require the appropriate authority to take it out of New South Wales and into the destination state/territory.

## I am moving from another state/territory to New South Wales. Can I bring my protected specimens with me?

Yes, but you require the appropriate authority to do so in your state/territory and to bring it into New South Wales.

## I have a licence to carry out taxidermy; what changes for me?

Your current biodiversity conservation licence authorising you to carry out taxidermy still applies, but the conditions are changing. Under your licence, you are now authorised to buy and sell protected animal specimens to someone with the appropriate authority to hold preserved protected animal specimens, that is, an appropriate licence holder or someone registered under the code to possess the specific specimen.

Your biodiversity conservation licence authorises you to make a maximum of 5 transactions per 12-month period.

Taxidermist may continue to advertise and charge for their taxidermy services.

Refer to the conditions of your biodiversity conservation licence for further information about your reporting requirements. Licence fees apply.

## I have a licence to possess taxidermied specimens. What happens to my current licence?

The department will notify relevant applicants and licence holders about transitioning from a biodiversity conservation licence to regulation under this code.

## Can I register to the code and have a licence to possess or carry out taxidermy?

No. If you are unable to comply with the code you must retain your biodiversity conservation licence to possess protected animal specimens or carry out taxidermy on protected animal specimens.

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