

# Regulatory Impact Statement

Wildlife Regulations 2013



Wildlife Regulations 2013  
Regulatory Impact Statement

This Regulatory Impact Statement (RIS) has been prepared to fulfil the requirements of the *Subordinate Legislation Act 1994* and to facilitate public consultation on the proposed Wildlife Regulations 2013 (the proposed regulations).

In accordance with the *Victorian Guide to Regulation*, the Victorian Government seeks to ensure that proposed regulations are well-targeted, effective and appropriate, and impose the lowest possible burden on Victorian business and the community.

A prime function of the RIS process is to help members of the public comment on proposed statutory rules (regulations) before they have been finalised. Such input can provide valuable information and perspectives, and thus improve the overall quality of the regulations. The proposed regulations are being circulated to key stakeholders and any other interested parties, and feedback is sought. A copy of the proposed regulations is provided as an attachment to this RIS.

Public comments and submissions on the proposed regulations are now invited. Unless otherwise indicated, all submissions will be treated as public documents and will be made available to other parties upon request. Written comments and submissions should be forwarded by no later than **5.00pm, Friday 3 May 2013** to:

Wildlife Regulations Review  
Environment Policy Division  
Department of Sustainability and Environment  
PO Box 500 East Melbourne VIC 3002

or email: [wildlife.regulations2013@dse.vic.gov.au](mailto:wildlife.regulations2013@dse.vic.gov.au)

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Department of Sustainability and Environment

# Wildlife Regulations 2013

## Regulatory Impact Statement

This Regulatory Impact Statement has been prepared in accordance with the requirements of the *Subordinate Legislation Act 1994* and the *Victorian Guide to Regulation*

April 2013



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6 March 2013

Scott Lawrence  
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Department of Sustainability and Environment  
PO Box 500,  
EAST MELBOURNE VIC 3002

Dear Mr Lawrence

### **ADVICE ON THE ADEQUACY OF REGULATORY IMPACT STATEMENT**

Thank you for seeking advice on the Regulatory Impact Statement (RIS) on the proposed *Wildlife Regulations 2013*.

The Victorian Competition and Efficiency Commission (VCEC) advises on the adequacy of RISs as required under section 10(3) of the *Subordinate Legislation Act 1994* (the Act). I advise the final version of the RIS received by the VCEC on 6 March 2013 meets the requirements of section 10 of the Act.

The VCEC's advice is based on the adequacy of the evidence presented in the RIS and is focused on the quality of the analysis rather than the merits of the proposal itself. **Therefore, the VCEC's advice the RIS is adequate does not represent an endorsement of the proposal.**

In the interests of transparency, it is government policy VCEC's advice be published with the RIS when it is released for consultation.

If you have any questions, please contact [RegulationReview@vcec.vic.gov.au](mailto:RegulationReview@vcec.vic.gov.au).

Yours sincerely

Andrew Walker

**Assistant Director**

**Victorian Competition and Efficiency Commission**

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# Abbreviations

**Animal Welfare Codes of Practice** – means the various animal welfare codes of practice relevant to the treatment of wildlife. These are listed in **Attachment A**.

**DPI** – Department of Primary Industries

**DSE** – Department of Sustainability and Environment

**CITES** – Convention on International Trade in Endangered Species of Wild Fauna and Flora

**EIDC** – Emu Industry Development Committee

**FFG Act** – the *Flora and Fauna Guarantee Act 1988*

**MCA** – Multi-criteria Analysis

**POCTA** – the *Prevention of Cruelty to Animals Act 1986*

**Premier's Guidelines** – *Subordinate Legislation Act 1994* Guidelines

**PV** – present value. Present value 'discounts' the value of money in future years to allow it to be valued in today's terms

**r.** – regulation

**RIS** – Regulatory Impact Statement

**s.** – section

**the Act** – *Wildlife Act 1975*

**the current regulations** – Wildlife Regulations 2002

**the proposed regulations** – Wildlife Regulations 2013

**wildlife** – includes all vertebrate animals (other than humans) which are indigenous to Australia, all kinds of deer, certain specified species of introduced birds and terrestrial invertebrate animal listed as 'threatened' under the FFG Act

**WPTAC** – Wildlife Possession and Trade Advisory Committee

# Summary

## Purpose of a Regulatory Impact Statement

In Victoria, all regulations expire (sunset) after 10 years of operation. This provides the Victorian Government with the opportunity to examine the efficiency and effectiveness of regulations and to evaluate whether they are still relevant and whether they could be improved. Following a 12 month extension, the current regulations are due to expire on 25 June 2013.

New regulatory proposals, including the remaking of expired regulations that impose a significant economic or social burden on a sector of the public require the preparation of a RIS. Given the nature of, and restrictions imposed by the regulations, the Department of Sustainability and Environment (DSE) considers that the burden imposed by the proposal requires assessment in a RIS.

A RIS formally assesses regulatory proposals against the requirements in the *Subordinate Legislation Act 1994* and the *Victorian Guide to Regulation*.<sup>1</sup> The assessment framework of this RIS examines the problem to be addressed, specifies the desired objectives, identifies viable options that will achieve the objectives, and assesses the costs and benefits of the options. Following this, it identifies the preferred option and describes its effect. This RIS also assesses the proposed regulations' impact on small business and examines their impact on competition. Finally, it considers implementation and enforcement issues and documents the stakeholder consultation undertaken.

## Nature of the problem

Under the *Wildlife Act 1975* (the Act) it is an offence to take, trade, keep or use wildlife from the wild or to destroy wildlife in the wild without the appropriate licence or authority. However, there are a number of circumstances where the possession, trade or use of native wildlife, for specific legitimate reasons, is sustainable and can be undertaken in a humane manner. Making wildlife available for possession, trade and use in these circumstances provides many social and economic benefits to the Victorian community. However, it is important to ensure that sustainability, animal welfare and safety are not compromised as a result of licensed or authorised possession, trade and use.

## Global context

The global trade in wild animals and plants is estimated to be worth billions of dollars per annum and this global trade is expanding rapidly. In an attempt to control the impacts of the global trade in wild animals and plants there is an international system for regulating trade across national borders. Yet despite such efforts illegal trade in wild plants and animals still occurs and is estimated to be worth between US\$5–\$20 billion per annum.<sup>2</sup> Australian species are much sought after in international black markets. For example, a mating pair of Palm Cockatoos can fetch up to \$100,000.<sup>3</sup>

High levels of exploitation of wild animal species can heavily deplete their populations and may even bring these species close to extinction. Globally, 7,752 species of animal, including 20 per cent of all species of mammals and 12 per cent of all species of birds, are considered at risk of extinction.<sup>4</sup> Satisfying the demand for wild animals may also severely damage the ecosystems they inhabit, as the collection of specimens from the wild may result in habitat destruction. In addition, trade in wild animals may present risks to human and animal health, through the introduction and spread of disease.

## Victorian context

Victoria is fortunate to have a rich and diverse range of native wildlife. There are over 800 species of native animals in Victoria, many of which are unique to the State.

There is a strong, and growing, interest in the Victorian community in keeping captive bred wildlife as pets. These animals are often interesting, beautiful and are relatively easy to keep. There is also a small demand for the private possession of dead wildlife that has been taxidermied.

A commercial demand for trade in captive bred wildlife exists for a wide variety of purposes; including breeding to satisfy the private demand for pets, operating pet shops, providing wildlife demonstrations at a range of locations for education purposes (e.g. at schools) or displaying wildlife in permanent or fixed facilities (e.g. wildlife parks).

There are also commercial industries that breed and harvest emu products, breed game species for recreational hunting purposes and businesses who produce products such as meat or leather from wildlife carcasses that have been obtained from legal sources (e.g. from kangaroos legally harvested interstate). There is also a taxidermy industry for wildlife taken in a legal manner.

Unfortunately some species of wildlife can cause problems for people through disturbance or damage to property. A limited commercial industry exists to assist with the control of such wildlife. A related commercial industry involves the legal take from the wild of Sulphur-crested Cockatoos, Galahs and Longbilled Corellas which are causing problems (e.g. feeding on

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1 Department of Treasury and Finance 2011, *Victorian Guide to Regulation incorporating: Guidelines made under the Subordinate Legislation Act 1994*, 2.1 ed, August 2011, Melbourne

2 Rosen GE and Smith KF 2010, Summarizing the evidence on the international trade in illegal wildlife, *EcoHealth*, Vol. 7, pp. 24–32

3 Brett M 1997, Growing fat on live prey, *Bulletin with Newsweek*, Vol 116, Issue 6055, p. 30

4 See [www.ifaw.org/australia/our-work/fighting-wildlife-trade](http://www.ifaw.org/australia/our-work/fighting-wildlife-trade)

crops) and their sale into the pet trade system. This take from the wild where they have been declared unprotected is the only such case covered by the proposed regulations; all other wildlife subject to the proposal is either bred in captivity or imported from legal sources.

DSE estimates the annual expenditure by wildlife licensees to be in the order of \$63.7 million per annum.<sup>5</sup>

### **Current regulatory framework**

Under the Act it is an offence to take wildlife from the wild or to destroy wildlife in the wild<sup>6</sup>, or to trade, keep or use wildlife<sup>7</sup> without an appropriate licence or authority. The Act provides that the form of any such licence or authority, together with any conditions, entitlements and restrictions on such licence or authority, be provided for in regulations.

The current regulations regulate the trade, possession and use of wildlife in Victoria by prescribing a number of licence types and by prescribing conditions and restrictions on such licences. Wildlife licences aim to ensure the welfare of all animals that are the subject of the licence are protected, that no illegal take of wildlife from the wild (in addition to any take permitted by the Act) occurs and that no illegal release of wildlife back into the wild occurs. The current regulations also prescribe fees, offences and royalties for the purposes of the Act, provide exemptions from certain provisions of the Act, and create penalties for activities harmful to wildlife or wildlife habitats.

A summary of the entitlements that attach to each type of licence currently available in Victoria, and the conditions and/or restrictions on these licences, is contained in **Attachment B**. Only those species identified under a Schedule of the current regulations may be kept, traded or used.

There are currently around 400 licensed wildlife businesses<sup>8</sup> and nearly 12,000 licensed recreational wildlife keepers.<sup>9</sup> There is no quota on the number of wildlife licences that can be issued or the number of wildlife that can be held provided they are from a legal source (e.g. captive bred or a source approved by the Secretary). DSE manages potential impacts on species through reviewing where a species sits on the schedules (e.g. if it is not readily available in captivity and as such there is a high chance of people taking specimens from the wild, the species is not likely to be included on a Schedule). The schedules prescribe the taxa of wildlife that may be legally kept, what commercial activities may be undertaken with or on what wildlife, and what wildlife can be kept without a licence.

The transport of wildlife into or out of Victoria requires a permit under s. 50 of the Act.<sup>10</sup>

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5 Department of Sustainability of Environment 2012, Wildlife Licence Holder Annual Expenditure Survey, November 2012 [unpublished]

6 Sections 41 and 43 of the Act

7 Sections 45, 47 and 47D of the Act

8 Whilst there are currently 589 Commercial Wildlife Licences issued in Victoria, 177 of these are Wildlife Assistants Licences. These are issued to employees of existing wildlife businesses and do not represent additional wildlife businesses.

9 Wildlife Licensing System, as at July 2012

10 This permit system enables DSE to ensure that imported taxa of wildlife can be legally held in Victoria, that the person receiving the imported wildlife has the appropriate licence and that the imported wildlife is from a legal source. Export permits notify the receiving jurisdiction that the wildlife is from a legal source in Victoria. A limited exemption from the requirement to obtain a permit is given for species listed in Schedule 5A.



## Proposed regulatory framework

The following wildlife licenses are prescribed in the proposed regulations:

Proposed Licence Category	Entitlement
<b>Private Wildlife Licences</b>	
Wildlife Basic Licence	Allows the holder to obtain, keep and sell certain wildlife for recreational purposes only.
Wildlife Advanced Licence	Allows the holder to obtain, keep and sell certain wildlife for recreational purposes only. Allows easy to keep species, but also those that require specialised husbandry skills and equipment (e.g. venomous snakes).
Dingo Licence	Allows the holder to obtain, keep and sell dingoes for recreational purposes only. Also allows those dingoes to be taken to a location other than the specified premises for obedience training.
Wildlife Specimen Licence	Allows the holder to obtain, keep and sell prepared or mounted specimens of dead wildlife for recreational purposes only.
<b>Commercial Wildlife Licences</b>	
Wildlife Controller Licence	Allows the holder to take wildlife from the wild and to destroy, dispose of or sell that wildlife for the purpose of removing danger to persons or property from that wildlife. An example of species that may be controlled under this licence are venomous snakes, deer, Common Brushtail Possums and Sulphur-crested Cockatoos.
Wildlife Dealer Licence	Allows the holder to obtain and sell certain wildlife for commercial purposes.
Wildlife Demonstrator Licence	Allows the holder to demonstrate certain wildlife at a range of locations for the purpose of promoting an understanding of the ecology and conservation of wildlife. Such demonstrations are often carried out at shopping centres or schools.
Wildlife Displayer Licence	Allows the holder to display certain wildlife in permanent or fixed facilities (eg. wildlife parks). They may also display wildlife at other sites, providing the welfare of the animals is not compromised and the display has a clear conservation and education theme. Statutory zoos (i.e. Melbourne, Healesville and Werribee Zoo) are exempt from this.
Game Bird Farmer Licence	Allows the holder to farm game birds that have been bred in captivity for the purpose of releasing them on a specified premise for hunting.
Wildlife Processor Licence	Allows the holder to obtain, sell, and process dead wildlife for the purpose of providing wildlife products for sale (e.g. kangaroo products that are imported from a legal source).
Wildlife Farmer Licence	Allows the holder to farm wildlife, specifically emus, for the purpose of providing wildlife products (e.g. emu meat or eggs) for sale. Holder is also allowed to display that wildlife to the public.
Wildlife Taxidermist Licence	Allows the holder to obtain, sell, dispose of and process wildlife listed in Schedules 2, 3, 4, and Part A and C of Schedule 5, or listed in Schedule 7 that have been obtained from a Wildlife Farming Licence holder, for the purpose of preserving, preparing and mounting, and restoring, parts or complete specimens of dead wildlife.

The proposed regulations will:

- facilitate and regulate the possession of, and trade in, certain species of captive bred wildlife;
- facilitate the breeding, processing and use of certain legally obtained wildlife;
- facilitate the control and use of certain wildlife which is causing problems in the wild;
- provide offences aimed at protecting the welfare of wildlife both in captivity and in the wild; and
- provide exemptions, for certain persons or certain activities, from offences under the Act.

Without the proposed regulations no authorising mechanism would exist for the provision of licences for the legal take, trade, possession and use of wildlife in Victoria. This would adversely impact on thousands of licensed recreational wildlife keepers and hundreds of commercial wildlife businesses.

Whilst the proposed regulations largely replicate the arrangements in the current regulations certain changes have been made to streamline the number of licence types, increase the maximum licence period, reduce regulatory burden wherever possible, deal with identified problems and introduce a new category of Private Wildlife Licence for dingo keepers. The key changes are set out in Box 1.

It is important to recognise that, almost without exception<sup>11</sup>, the proposed regulations relate to 'wildlife' populations that have been bred in captivity.

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<sup>11</sup> The exception is r. 64 which permit certain birds to be taken from the wild. No other wildlife may be taken from its natural environment.

## Box 1: Key changes in the proposed regulations

- The objectives have been revised to better reflect the full scope of the proposed regulations.
- A new category of wildlife licence, the Dingo Licence, has been introduced for those wishing to keep dingoes as pets. This will incur the equivalent fee to a Wildlife Advanced Licence.
- A number of Commercial Wildlife Licence categories have been combined to reduce red-tape and streamline processes, being:
  - the Wildlife Controller Type 1 and Wildlife Controller Type 2 licences have been combined into one Wildlife Controller licence;
  - the Wildlife Dealer Type 1 and Wildlife Dealer Type 2 licences have been combined into one Wildlife Dealer licence; and
  - the Wildlife Taxidermist Type 1 and Wildlife Taxidermist Type 2 licences have been combined into one Wildlife Taxidermist licence.
- A number of licence categories have been renamed to reduce confusion and better align with their entitlements.
- Changes have been made to the species listed in the schedules to allow the keeping and trading of 11 new species of wildlife and to reduce the regulatory restrictions around five other species. These changes were based on preliminary consultation with industry representatives, consultation with relevant experts and an assessment of the following for each proposed change:
  - the risk of take from the wild (the availability in the captive trade);
  - the ease of husbandry;
  - the ease of breeding;
  - the risk to human health and safety;
  - the conservation status of the species; and
  - the potential for the species to establish as a pest in the wild if it escaped from captivity.
- The proposed regulations will provide licence holders with the option of taking out either a one year licence or a multi-year licence (up to three years).
- One commercial licence type, the Assistants Licence, will be phased out. This will be replaced with new obligations on Commercial Wildlife Licence holders that relate to their responsibilities as an employer. There will also be new responsibilities on their employees.
- There is a new exemption for persons requiring an import or export permit for legally harvested game species.
- A new methodology applies when establishing fee rates for licences granted for periods of less than a year and for periods of more than a year.
- There is express provision for concessional rates to apply to licences granted to Victorian concession card holders.
- A new fee has been included for the replacement of a licence.
- Changes have been made to clarify that commercial licences may be issued to corporate bodies as well as to natural persons; in this case a 'responsible person' must be nominated.
- The requirement for displayers and demonstrators to use a pit for the display or demonstration of dangerous or venomous wildlife has been elevated from a licence condition into the proposed regulations.
- Record keeping requirements have been updated to reflect the future use of electronic record keeping and to address information gaps.
- A new obligation is placed on licence holders to include their licence number on any signs relating to wildlife for sale.
- A new obligation is placed on holders of a Wildlife Controller Licence to include their licence number on all equipment used. This provision improves DSE's ability to track/monitor the take of wildlife from the wild and ensure it is legal.
- The specifications for animal cages/enclosures and transportation containers have been amended to improve animal welfare outcomes.
- There are new requirements on licence holders to notify the Secretary of the outcome of any import/export permit or of any theft or loss of wildlife.
- There has been a change to the conditions of the Wildlife Demonstrator Licence. The restriction on the number of animals from any taxa that can be held has been removed.
- The existing offence relating to the damage of wildlife habitat has been reworded to account for negligence or recklessness.
- There is a new requirement for the Secretary to consider relevant prior convictions for offences under the Act and the *Prevention of Cruelty to Animals Act 1986* (POCTA) upon the issue, renewal or variation of a wildlife licence.
- Schedule 2 (Prescribed Areas of Public Land) has been removed and all other schedules re-numbered as a consequence.

## Risks of non-intervention

There is a growing demand for the trade, possession and use of wildlife in Victoria; the number of Private Wildlife Licence holders has increased by 43 per cent and the number of Commercial Wildlife Licence holders by 257 per cent over the past 10 years. Without the proposed regulations, no mechanism would exist for the licensing of legal take, trade, possession and use of wildlife in Victoria. Should all wildlife possession and trade in Victoria become illegal this would adversely impact thousands of licensed recreational wildlife keepers and hundreds of commercial wildlife businesses.

## Objectives

The Victorian Government's objectives are to:

- facilitate the economic benefits of a sustainable, legal wildlife industry;
- recognise the public benefit of a sustainable, legal wildlife industry;
- ensure the conservation of native wildlife and wildlife habitat and to protect animal welfare; and
- protect human health and safety.

## Options for achieving the objectives

The Act requires that licences categories, conditions and fees be set under the regulations. This requirement provides limited discretion over the scope of regulatory and non-regulatory options that can be considered. Hence, feasible options identified to address issues associated with the possession, trade and use of wildlife in Victoria focussed on specific aspects of the statutory rules rather than considering alternative non-regulatory options for achieving the Government's objectives. These included options associated with:

- Wildlife taxa listed in the schedules:
  - Option A1 – remaking the current schedules (low risk); and
  - Option A2 – adopt the proposed regulations, which include the additional taxa of wildlife determined through a consultation process (slightly higher risk, greater benefits).
- Reporting requirements and thresholds:
  - Option B1 – the proposed regulations (annual returns);
  - Option B2 – more frequent reporting (quarterly/bi-annual returns);
  - Option B3 – less frequent reporting (reporting every three years);
- Licence periods:
  - Option C1 – annual licensing;
  - Option C2 – annual or multi-year licences;
- Employee register:
  - Option D1 – Assistants licence;
  - Option D2 –employee register;
- Fee design:
  - Option E1– full cost-recovery;
  - Option E2 – full cost-recovery combined with concessions;
- Licence categories:
  - Option F1 – the current regulations;
  - Option F2 – the proposed regulations (with combined Wildlife Controller Licence, Wildlife Dealer Licence and Wildlife Taxidermist Licence) to streamline categories.

## Assessing the costs and benefits of the options

Given the operation of the Act, the base case for purposes of analysis in this RIS is represented by the situation in which *no wildlife possession, trade or use could legally occur* in Victoria.

The option with the highest net benefit is preferred compared to the alternatives.

A Multi-criteria Analysis (MCA) assessment tool was used to compare the options for reporting requirements and thresholds, the employee register, licence periods and fee design alternatives.

## Summary of the options analysis

### Wildlife taxa listed in the schedules

The practical operation of regulations is driven by the wildlife listed in the schedules – these prescribe the taxa of wildlife that may be legally kept or what commercial activities may be undertaken with or on what wildlife. Wildlife are categorised in the schedules based on specific criteria, and over a 10 year period factors may change leading to inclusions or exclusions from the schedules.

Option A1 consists of remaking the current schedules, whereas Option A2 includes the additional taxa of wildlife determined through the Wildlife Possession and Trade Advisory Committee (WPTAC) consultation process.

From an individual's perspective the benefits of possessing wildlife outweigh the associated costs. In assessing which taxa that should be exempted or included in the schedules a balance needs to be struck between the rights of individuals to 'enjoy' wildlife, and sustainability and animal welfare issues. Based on discussions and consultation, this RIS considers that Option A2 strikes such a balance.

### Reporting requirements

Record keeping/reporting conditions impose administrative burdens on licence holders but are extremely important tools for enforcement and for monitoring compliance:

- the administrative cost to both private and commercial licensees for the returns requirements (Option B1) is around \$31,000 per annum, or approximately \$327,000 million (PV) over a 10-year period;
- Option B2 would result in licensees incurring **administrative costs** associated with more frequent returns of around \$126,000 per annum, or approximately \$1.3 million (PV) over a 10-year period;
- Option B3 would result in **administrative costs** of around \$10,000 per annum, or approximately \$109,000 (PV) over a 10-year period.

This RIS considers Option B1, the balance offered by the proposed regulations, to be an acceptable compromise between the administrative burdens imposed by record keeping and returns obligations and the benefits of such obligations.

### Licence periods

Currently all licences are issued annually. The administrative cost to licensees of the current arrangements (Option C1) is around \$120,000 per annum, or approximately \$1.1 million (PV) over a 10-year period. Option C2 (providing licence holders with the option of three year licences) would result in administrative savings of around \$20,000 per annum, or almost \$199,000 (PV) over a 10-year period. There would appear to be merit in offering multi-year wildlife licences.

### Employee register

Option D2, an employee register, is a superior alternative compared with the current Assistants Licence. Under this option, notification requirements would only be required when an employee leaves or commences work for a licence holder. If there was no employee register DSE would not have means of knowing which employees are authorised by the Commercial Licence holder to undertake activities on or with wildlife in accordance with the licence. Notification requirements are only as frequent as needed.

### Fee design

Option E2 (full cost-recovery with concessions) is a superior alternative, albeit marginally, compared to Option E1 (full cost-recovery) as it satisfies the efficiency criterion, by collecting the vast majority of fees at the full cost-recovery rate, while reducing barriers to wildlife possession for some of the less well-off groups in the community and for licensees that provide a community benefit. However, it is acknowledged that the scoring of these options is relatively close.

### Licence categories

As a result of the Activity Based Costing exercise undertaken to determine the proposed fees, it emerged that the administrative effort performed to process licences was similar for a number of licence types. This suggests that the cost differential between some fee types contained in the current fee structure cannot be justified on cost-recovery grounds.

Consequently, in order to streamline and simplify the various types of licence categories, the option of combining some of the categories of licences has been considered and included in the proposed regulations. The proposed regulations combine the following licence categories:

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Wildlife Controller Type 1	}	Wildlife Controller Licence
Wildlife Controller Type 2		
<hr/>		
Wildlife Dealer Type 1	}	Wildlife Dealer Licence
Wildlife Dealer Type 2		
<hr/>		
Wildlife Taxidermist Type 1	}	Wildlife Taxidermist Licence
Wildlife Taxidermist Type 2		

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The names of a number of licence categories have also been revised in the proposed regulations to reduce confusion and better suit the entitlements of the licence. These include:

Private Wildlife (Basic) Licence → Wildlife Basic Licence

Private Wildlife (Advanced) Licence → Wildlife Advanced Licence

Private Wildlife (Specimen) Licence → Wildlife Specimen Licence

Wildlife Producer Type 1 Licence → Game Bird Farmer Licence

Wildlife Producer Type 2 Licence → Wildlife Processor Licence

Wildlife Producer Type 3 Licence → Wildlife Farmer Licence

The above changes should result in less confusion for licence holders regarding which licence type to obtain and what their entitlements are. They will also allow DSE to streamline administrative arrangements, thus reducing the administrative burden and improving efficiencies of the licensing system.

### Options Assessment

The qualitative assessments and quantitative costings were supplemented with an MCA assessment of the key options. These are summarised in Table 1 below. The preferred options have been included in the proposed regulations, including new multi-year licences and replacement of the Assistants licence with an employee register.

**Table 1: Summary of MCA assessment scores**

Options	Weighted Score*
<b>Reporting requirements and thresholds</b>	
Option B1 – the proposed regulations	<b>12.50</b>
Option B2 – more frequent reporting	7.50
Option B3 – less frequent reporting	9.00
<b>Licence period</b>	
Option C1 – annual licensing	20.00
Option C2 – annual or multi-year licences	<b>25.00</b>
<b>Employee register</b>	
Option D1 – Wildlife Assistants licence	32.5
Option D2 – employee register	<b>35.0</b>
<b>Fee design</b>	
Option E1 – full cost-recovery	60.00
Option E2 – full cost-recovery combined with concessions	<b>63.70</b>

\* *Bold indicates preferred option.*

## Preferred option

The proposed regulations will ensure the sustainable, ethical and safe use of Victoria's wildlife resources, will define and encourage responsible wildlife possession, trade and use practices and facilitate sustainable wildlife industries. Wildlife enthusiasts will benefit from continued recreational wildlife ownership opportunities and businesses that possess, trade or use wildlife will benefit from a well-managed, legal and robust industry. The analysis in this RIS supports the proposed regulations as the preferred option compared to the viable options identified in this RIS.

The total costs of the proposed regulations are around **\$2.3 million** per annum, or \$22.9 million (PV) over a 10 year period, as outlined in Table 2 below.<sup>12</sup> This compares with an estimated *annual* expenditure by wildlife licensees of around \$63.71 million per annum. This suggests that the regulatory costs imposed are considered to be reasonable given the value of the industry.<sup>13</sup>

**Table 2: Summary of costs imposed by the Wildlife regulations 2013 (discounted 10-year period, assuming 5 per cent annual increase in licence numbers)**

Regulation	Type of cost	Cost (\$)
Licence application	Administration	\$1,787,864
Record keeping and reporting costs	Administration	\$3,521,366
Other regulations	Administration/Substantive compliance costs	\$122,973
Wildlife licence fees	Financial	\$15,152,018
Value of fee concessions	Financial (government cost)	\$2,412,876
	<b>Total</b>	<b>\$22,997,096</b>
	<b>Annual Cost</b>	<b>\$2,299,710</b>

The estimated costs in the table above assume 5 per cent annual growth in licence numbers. Therefore, over the 10 year life of the proposed regulations this RIS assumes that licence numbers will grow from approximately 12,000 to about 19,500 licences, representing a growth of about 63 per cent (see **Attachment H**).

In addition, it is estimated that the annual economic benefit of pet ownership across Australia is in the order of \$6.02 billion.<sup>14</sup> Even if only a fraction of this relates to the ownership of native pets within Victoria this still represents a large benefit. Other benefits associated with the proposed regulations include environmental benefits of biodiversity conservation, social benefits to people deriving from the psychological, physiological and social effects of owning wildlife as pets, educational benefits, fostering of an appreciation of environmental values, and the social benefit of improved animal welfare outcomes.

The proposed regulations support and are consistent with Victorian Government policy and are authorised to be made under s. 87 of the Act.

## Proposed fees

Under the proposed regulations, wildlife keepers, traders and users will be required to pay a fee for a wildlife licence to DSE in Victoria (those eligible for concessions have a discounted fee). The revenue raised from these fees will be used to recover costs associated with administering and managing the licensing system and the costs of compliance and enforcement of the proposed regulations. It is important to note that the fee revenue is paid into the Victorian Government's consolidated revenue account and is not retained by DSE.

<sup>12</sup> By early 2014, DSE intends to move towards a system of electronic lodgement for licensing and reporting. In light of this, the administrative cost estimates in this RIS are likely to be reduced over the lifetime of the proposed regulations.

<sup>13</sup> This benefit is indicative only since some of these benefits could also be attributed to the *Wildlife Act 1975*; however, it is clear that the cost of the regulations (costs to regulatees) is significantly outweighed by benefits (as measured by expenditure in the economy on regulated wildlife).

<sup>14</sup> Australian Companion Animal Council (ACAC) 2010, *Contribution of the pet care industry to the Australian economy*, 7th edition, p. 8

**Table 3: Proposed fees for the proposed regulations**

Category	Current Annual Fee (\$) <sup>15</sup>	Proposed Annual Fee (\$)	%
<b>Private licences</b>			
Private Wildlife (Basic) Licence (proposed new Wildlife Basic Licence)	68.80	84.30	23%
Private Wildlife (Advanced) Licence (proposed new Wildlife Advanced Licence)	187.80	155.20	-17%
Dingo Licence	n.a.	155.20	n.a.
Private Wildlife (Specimen) Licence (proposed new Wildlife Specimen Licence)	10.40 <sup>16</sup>	10.60	2%
<b>Commercial Licences</b>			
Wildlife Dealer Licence Type 1 (proposed regulations combine Dealer Type 1 and 2 categories)	751.80	716.20	-5%
Wildlife Dealer Licence Type 2 (proposed regulations combine Dealer Type 1 and 2 categories)	1879.50	716.20	-62%
Wildlife Demonstrator Licence	375.90	467.40	24%
Wildlife Taxidermist Licence Type 1 (proposed regulations combine Taxidermist Type 1 and 2 categories)	250.60	509.80	103%
Wildlife Taxidermist Licence Type 2 (proposed regulations combine Taxidermist Type 1 and 2 categories)	751.80	509.80	-32%
Wildlife Controller Licence Type 1 (proposed regulations combine Controller Type 1 and 2 categories)	626.50	377.00	-40%
Wildlife Controller Licence Type 2 (proposed regulations combine Controller Type 1 and 2 categories)	125.30	377.00	201%
Wildlife Displayer Licence	814.40	642.80	-21%
Wildlife Producer Licence Type 1 (proposed new Game Bird Farmer Licence)	626.50	616.10	-2%
Wildlife Producer Licence Type 2 (proposed new Wildlife Processor Licence)	626.50	616.10	-2%
Wildlife Producer Licence Type 3 (proposed new Wildlife Farmer Licence)	313.20	616.10	97%

<sup>15</sup> Expressed as an annual fee, as all licences expire on a common date those issued after July each year are issued for less than 12 months and a pro rata fee applies.

<sup>16</sup> Cost of 12 month licence to common three year expiry date.



Category	Current Annual Fee (\$) <sup>15</sup>	Proposed Annual Fee (\$)	%
<b>Other fees</b>			
Replacement licence	n.a.	12.50	–
Licence variation	25.00	25.00	0%
Additional record book	n.a.	12.50	–
Royalty	5.00	5.00	0%

Source: Current Wildlife Licence Application Forms

The proposed fees will be set as fee units in the proposed regulations. Currently, one fee unit is equivalent to \$12.53. This means that each year under the *Monetary Units Act 2004* the fees will increase by a rate set by the Treasurer to take account of general rises in prices.

DSE estimates that the fees in Table 16 would generate approximately \$15.15 million over a 10 year period. This figure includes the discounts for eligible recipients within the meaning of the *State Concessions Act 2004*.<sup>17</sup>

As noted above, to lower the regulatory burden the Assistants Licence will not be included in the proposed regulations. This will result in fee savings for the industry of around \$4,400 annually<sup>18</sup> (although a new requirement to hold an employee register will, in part, offset these savings).

### Groups affected

Groups affected by the options identified above include native wildlife owners, wildlife breeders, pet shop owners who deal in native wildlife, emu farmers, operators of game bird farms, operators of businesses that display wildlife, operators of businesses that demonstrate wildlife, taxidermists, wildlife traders, wildlife controllers and producers of goods made from wildlife.

### Small business impacts

Commercial Wildlife licensees are predominantly small businesses. The impact of the proposed regulations will fall relatively equally across these small businesses. A number of changes in the proposed regulations should provide some administrative burden relief for small business.

The relatively straightforward nature of the proposed regulations makes it unlikely that small businesses will be disadvantaged in terms of lacking the economies of scale and/or resources necessary to comply with the requirements of the proposed regulations or that any requirements would cause small businesses to withdraw from the industry.

Without the proposed regulations, the possession, trade and use of wildlife in Victoria would be prohibited.

### Competition assessment

The proposed regulations provide a 'privilege' to licence holders. Without these there would be no legitimate 'market' for wildlife in Victoria. However, within the broader privilege to deal in wildlife certain restrictions are imposed to ensure that particular categories of licence holder only undertake activities subject to their licence type and to ensure compliance and enforcement of the Act and the proposed regulations.

It is assessed that the benefits of the potential restrictions within wildlife markets outweigh the costs, as they protect both native and captive populations of wildlife. The restrictions are considered necessary to ensure that wildlife possession, trade and use is conducted in a sustainable, controlled and humane manner.

### Conclusion

This RIS concludes that:

- the benefits to society of the proposed regulations exceed the costs;
- the net benefits of the proposed regulations are greater than those associated with any practicable alternatives; and
- the proposed regulations do not impose restrictions on competition

<sup>17</sup> As noted in Table 2 above, the annual value of concessions is around \$178,000 per annum or \$2.4 million (PV) over a 10 year period.

<sup>18</sup> There were 177 Assistants Licences as at July 2011. The current licence fee is 2 fee units.

## Public consultation

The prime objective of the RIS process is to enable members of the public to comment on the proposed regulations before they are finalised. DSE welcomes and encourages feedback. While comments on any aspect of the proposed regulations are welcome, stakeholders may particularly wish to comment on:

- the inclusion of a new category of Dingo Licence for those wishing to privately keep pure-bred dingoes as pets and the proposed conditions attaching to such a licence;
- the removal of the Assistants Licence category and the subsequent new requirements placed on Commercial Wildlife Licence holders and their employees;
- the combining of:
  - the Wildlife Controller Type 1 and Wildlife Controller Type 2 licences into one Wildlife Controller licence;
  - the Wildlife Dealer Type 1 and Wildlife Dealer Type 2 licences into one Wildlife Dealer licence; and
  - the Wildlife Taxidermist Type 1 and Wildlife Taxidermist Type 2 licences into one Wildlife Taxidermist licence.
- changes to the species listed in the schedules and in particular whether more species should be listed in the schedules or if species currently listed in the schedules should be removed or moved to a different schedule;
- ways in which the proposed licence restrictions may restrict competition in wildlife markets and ways these restrictions could be eased without compromising the integrity of the government's objectives;
- the proposed fees for Commercial Wildlife Licences and the barriers to entry these may impose;
- partial cost-recovery of 75 per cent for licensed Wildlife Demonstrators, Displayers and Controllers;
- whether longer licence periods would be preferable and any difficulties having longer licence periods may present;
- whether there is any merit in exempting some Private Wildlife Licence holders from the requirement to submit annual returns and keep detailed records and if so where an appropriate threshold for such an exemption should lie. For example, those holding fewer than 3, 5 or 10 animals;
- whether the level or type of information required to be entered into the Record Books could be streamlined or simplified;
- any practical difficulties associated with the proposed regulations; and
- any unintended consequences associated with the proposed regulations.

Unless otherwise indicated, all submissions will be treated as public documents and made available to other parties on request.

# 1. What is the issue/problem to be addressed?

## 1.1 Background

### 1.1.1 Victoria's wildlife

Victoria is fortunate to have a rich and diverse range of native wildlife. There are over 800 species of native animals in Victoria, many of which are unique to the State, including a number of internationally renowned species such as kangaroos, koalas, kookaburras, platypus, seals and penguins.

For the purposes of this RIS the term 'wildlife' has the same meaning as in the Act and includes all vertebrate animals (other than humans) which are indigenous to Australia, all kinds of deer, certain specified species of game birds and terrestrial invertebrate animal listed as 'threatened' under the *Flora and Fauna Guarantee Act 1988* (FFG Act).

On 13 November 2008 pure bred Dingoes (*Canis lupus dingo*) were listed as a threatened species under the FFG Act. Accordingly, dingoes are now wildlife for the purposes of the Act.<sup>19</sup>

### 1.1.2 Community benefits from Victoria's wildlife

Victoria's wildlife provides many social and economic benefits to the Victorian community.

Keeping wildlife in captivity as pets is a popular recreational pursuit. Pets not only make wonderful companions but they also provide psychological and physiological benefits to their owners, engender care and responsibility in children, improve feelings of safety and create social bridges within communities.<sup>20</sup>

In addition, the commercial uses of captive wildlife are manifold and support a wide variety of Victorian businesses. Social and economic benefits from these businesses include the display and demonstration of wildlife to the public for educational reasons, the production of goods such as leather and oils<sup>21</sup> from deceased wildlife and the breeding and selling of wildlife to recreational users.

### 1.1.3 Global wildlife trade

The global trade in wild animals and plants is estimated to be worth billions of dollars per annum and include millions of plant and animal specimens.<sup>22, 23</sup> This global trade is expanding rapidly.<sup>24</sup> Such trade is diverse and includes trade in live animals for pets and trade in a myriad of animal derived products such as food, leather goods, tourist curios and medicines.

Yet high levels of exploitation of particular species can heavily deplete wild populations and may even bring such species close to extinction. Globally, 7,752 species of animal, including 20 per cent of all species of mammals and 12 per cent of all species of birds, are considered at risk of extinction.<sup>25</sup> Satisfying the demand for wild animals may also severely damage the ecosystems these animals inhabit as collection of wildlife from the wild can result in habitat destruction. In addition, the trade in wild animals may present risks to human and animal health, through the introduction and spread of disease.

In an attempt to control the impacts of the global trade in wild animals and plants, an international system for regulating their trade across national borders has evolved. Many countries also regulate such trade and use within their own national borders. Despite such efforts, the illegal trade in wild plants and animals is estimated to be worth between US\$5–\$20 billion per annum and is among the largest illegal activities in the world.<sup>26</sup>

South East Asia is the global hub of the illegal wildlife trade.<sup>27</sup> Australia itself accounted for 6 per cent of all the global seizures of prohibited animals and plants identified by TRAFFIC (an international wildlife trade monitoring network) in a 12 year period between 1996 and 2008.<sup>28</sup> Australian species, particularly reptiles but also birds and bird eggs, are highly sought after in international black markets.<sup>29</sup> For example, an Australian parrot egg sold to an overseas collector may fetch as much as \$30,000<sup>30</sup> and a mating pair of Palm Cockatoos can sell for up to \$100,000.<sup>31</sup> It is estimated that the majority of this illegal trade goes undetected.<sup>32</sup>

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19 However, by Order in Council dated 28 September 2010 dingoes were declared unprotected on private land, and on buffer zones surrounding private land, in sections of northwest and east Victoria. In these areas dingoes are not considered to be threatened.

20 ACAC (2010), *ibid.*, p. 72

21 Environment and Natural Resources Committee (ENRC) 2000, *Utilisation of Victorian Native Flora and Fauna*, Inquiry Report, Parliament of Victoria, p. 91

22 See <http://www.cites.org/eng/disc/what.php>

23 For example, the World Wildlife Fund (WWF) estimates that some 7.5 million live-caught reptiles were traded globally in the five years between 1996 and 2001. See WWF 2006, *Illegal and Unsustainable Wildlife Factsheet*

24 Rosen GE and Smith KF 2010, Summarizing the evidence on the international trade in illegal wildlife, *EcoHealth*, Vol 7, pp. 24–32

25 See [www.ifaw.org/australia/our-work/fighting-wildlife-trade](http://www.ifaw.org/australia/our-work/fighting-wildlife-trade)

26 *op cit.*

27 *ibid.*, p. 29

28 *ibid.*, p. 26

29 Alacs E and Georges A 2008, Wildlife across our borders: a review of the illegal trade in Australia, *Australian Journal of Forensic Sciences*, Vol. 40(2), pp. 147–160

30 Alacs E and Georges A 2008, *ibid.*, p. 153

31 Brett M 1997, Growing fat on live prey, *Bulletin with Newsweek*, Vol 116, Issue 6055, p. 30

32 Alacs E and Georges A 2008, *ibid.*, p. 154

As such, many jurisdictions internationally, as well as within Australia, have implemented a regulated licensing system that allows the legal trade of wildlife that has been captive bred, so as to deter wildlife enthusiasts from taking animals from the wild.

#### 1.1.4 Residual problems the proposed regulations seek to address

There are several key Acts of Parliament that seek to preserve sustainable wildlife populations in Victoria and to manage the welfare of captive and wild animal populations. These include the Act, the FFG Act, the *Prevention of Cruelty to Animals Act 1986* (POCTA) and the *Catchment and Land Protection Act 1994*. Generally, these set an overarching policy framework while subordinate legislation (i.e. regulations) prescribes the finer details and operational aspects.

While the majority of provisions relating to the management of wildlife reside in Acts of Parliament and relevant subordinate legislation, there are a number of regulatory gaps that would exist in the absence of the proposed regulations. This RIS will argue that the proposed regulations (or something similar) are required in order to address these 'regulatory gaps'.

A summary of the Acts of Parliament relevant to the management of wildlife, and the 'regulatory gaps' are described in Table 4.

**Table 4: Victorian legislation aimed at preserving sustainable wildlife populations and managing animal welfare, and regulatory gaps in the absence of the proposed regulations**

<b>Wildlife Act 1975</b>	<b>Flora and Fauna Guarantee Act 1988</b>	<b>Catchment and Land Protection Act 1994</b>	<b>The Animal Welfare Codes of Practice under POCTA</b>
<ul style="list-style-type: none"> <li>The Act makes it an <b>offence</b> to take, receive, possess or acquire threatened or protected wildlife <b>without</b> an appropriate licence or authorisation. Almost all wildlife in Victoria is either threatened or protected.</li> <li>The Act provides for the taking, destroying, buying, selling, acquiring, receiving, disposing, keeping, possessing, controlling, breeding, processing and/or displaying of wildlife <b>by way of licence</b>.</li> <li>The Act makes it an offence to contravene the conditions, limitations and restrictions of a wildlife licence.</li> <li>The Act provides that the Secretary may give written authorisation to a person to take, destroy, buy, sell, acquire, receive, dispose, keep, possess, control, breed, process, display, take samples from, experiment on, mark or interfere with wildlife.</li> <li>The Act provides exemptions from certain wildlife offences for employees of a wildlife licence holder acting in accordance with the employer's licence.</li> <li>The Act authorises officers to seize cats and dogs found at large on prescribed public land.</li> <li>The Act provides for the issue of import and export permits.</li> <li>The Act makes it an offence to kill wildlife using a substance prescribed to be a poison.</li> <li>The Act provides that it is an offence for a wildlife licence holder to keep false records.</li> </ul>	<p>The <i>Flora and Fauna Guarantee Act 1988</i> (FFG Act) is the primary Victorian legislation for the conservation of threatened species and ecological communities and management of processes threatening Victoria's native flora and fauna. The Act provides (but not limited to):</p> <ul style="list-style-type: none"> <li>a process to list threatened species, communities and potentially threatening processes</li> <li>for establishment of the Scientific Advisory Committee (SAC) to provide advice on the listing of items</li> <li>development of action statements that provide information on what should be done to conserve or manage the listed item</li> <li>a range of protection and conservation tools, such as Interim Conservation Orders and offences for listed species.</li> </ul>	<p>The <i>Catchment and Land Protection Act 1994</i> sets out the framework for the management of invasive animals (pest animals) in Victoria by imposing certain controls upon pest animals.</p>	<p>Various codes of practice (the Animal Welfare Codes of Practice) are relevant to the treatment of wildlife. These are listed in <b>Attachment A</b>. These encourage best practice and the ethical treatment of animals when these animals are being used in a variety of ways.</p>

<b>Wildlife Act 1975</b>	<b>Flora and Fauna Guarantee Act 1988</b>	<b>Catchment and Land Protection Act 1994</b>	<b>The Animal Welfare Codes of Practice under POCTA</b>
<b>Regulatory gaps</b>	<b>Regulatory gaps</b>	<b>Regulatory gaps</b>	<b>Regulatory gaps</b>
<ul style="list-style-type: none"> <li>• The Act does not prescribe licence categories. These need to be prescribed so that the benefits of certain types of wildlife possession, trade and use can be realised.</li> <li>• The Act does not prescribe exemptions so that the benefits of certain types of wildlife possession, trade and use can be realised.</li> <li>• The Act does not prescribe the manner in which a person must apply for a wildlife licence, a written authorisation or an import and export permit.</li> <li>• The Act does not prescribe any conditions, limitations or restrictions for wildlife licences.</li> <li>• The Act does not prescribe fees for wildlife licences.</li> <li>• The Act does not establish a mechanism for recording who the employees of a wildlife licence holder are.</li> <li>• The Act does not prescribe on what public land cats and dogs at large may be seized.</li> <li>• The Act does not prescribe what a prescribed poison is.</li> <li>• The Act does not establish a reporting regime for wildlife licence holders.</li> </ul>	<p>The FFG Act does not deal with the take and use of non-listed species of wildlife.</p>	<p>The <i>Catchment and Land Protection Act 1994</i> only deals with non-native animals.</p>	<p>The Animal Welfare Codes of Practice do not apply if the treatment of the animal is carried out in accordance with a licence under the Act. In any event The Animal Welfare Codes of Practice provide guidance and defence under the POCTA but do not contain sanctions or enforcement mechanisms.</p>

### 1.1.5 Key issues involving wildlife possession, trade and use in Victoria

Given the general prohibition in the Act on the take, possession, trade and use of wildlife in Victoria and the nature of the 'regulatory gaps' identified above, the focus of both the current and proposed regulations is reasonably narrow. Broadly speaking the current and proposed regulations provide limited permissions to undertake certain activities which are considered beneficial that would otherwise be prohibited by the Act. These permissions address six key issues which are considered individually below.

#### Issue A – Enabling the possession of, and trade in, captive bred wildlife

There is a strong, and growing, interest in the Victorian community in keeping captive bred wildlife as pets. These animals are often unique, interesting and beautiful. Some species require less effort to keep than traditional pets (e.g. cats and dogs) in that they often do not need to be regularly walked or bathed. With the trend towards living in higher density housing certain wildlife species can also be easier to accommodate, in that they generally require less space. Some species of wildlife, such as budgerigars, are relatively easy to look after whilst others, such as venomous snakes, require specialist skills and equipment.

There is also commercial demand for trade of captive bred wildlife and there is use of captive bred wildlife for a variety of commercial purposes; including breeding to satisfy the private demand for pets, operating pet shops, providing wildlife education demonstrations (e.g. at schools) or displaying wildlife in permanent or fixed facilities (e.g. wildlife parks).

There is also a small demand for the private possession of mounted wildlife.

#### Issue B – Enabling the breeding and processing of legally obtained wildlife

There were significant industries in Victoria throughout the 19th and early 20th centuries trading in food and fur from native mammals such as whales, seals, koalas and brush-tail possums.<sup>33</sup> However, these industries were unregulated and relied

33 ERNC 2000, *ibid.*, p. 90

on hunting wild populations which resulted in significant reductions in population numbers and thus overexploitation. These hunting activities both undermined the long term viability of the industry and resulted in public demand for legislation to ban such exploitative uses.

Over the 20th century a parallel population of 'wildlife' emerged from privately owned and bred animals. It is such captive bred animals that the proposed regulations seek to manage.

More recently the commercial farming of captive bred emus has developed as an industry in Australia. Emus can produce meat, which is low in fat and cholesterol, and oil for use in cosmetics and therapeutic products, skin and feathers.<sup>34</sup> However, the industry has declined significantly from its peak in the mid-1990s.<sup>35</sup>

There is also a demand for the breeding of non-indigenous game birds for recreational hunting purposes, for the production of products such as meat or leather from dead wildlife and for the services of taxidermists to mount or preserve wildlife specimens for private possession.

### **Issue C – Monitoring wildlife possession**

Compulsory annual returns for wildlife by licence holders helps to inform proactive management of the private and commercial keeping and trading of wildlife by monitoring the compliance of licence holders, particularly with respect to ensuring wildlife is sourced legally (not taken from the wild) and treated humanely. Annual returns also provide data on the supply and demand of species in the captive trade industry, which can then be used to review species listed in the schedules. Summary information of returns data is routinely provided to the Wildlife Possession and Trade Advisory Committee (WPTAC) for distribution to interest groups and occasionally provided to researchers when requested.

### **Issue D – Managing problem wildlife**

Unfortunately some species of wildlife can cause problems for people through disturbance or damage to property. A limited commercial industry exists to control such wildlife.

Three species of bird (Sulphur-crested Cockatoos, Galahs and Long-billed Corellas) are well known to cause damage to crops and orchards. These species have significantly expanded their geographic range over the past 20 years and can now be found roosting in large groups in densely populated areas.<sup>36</sup> A limited commercial industry exists in the licensed trapping of these birds in the wild where they have been declared unprotected and their on-sale through licensed Wildlife Dealers into the legal pet trade market.

Currently in Victoria this is the only circumstance in which wild populations of wildlife are able to be trapped and sold into the legal pet trade.

### **Issue E – Protecting wildlife both in captivity and in the wild**

Animal welfare issues are raised by the keeping, breeding and transporting of captive bred wildlife. Without the proper regulatory or educative programs in place, wildlife in the care of humans can sometimes be subject to inappropriate and inhumane conditions or treatment.

In Victoria all wildlife are protected (although some wildlife are declared unprotected in certain circumstances). Accordingly, people are not allowed to do anything that could result in the harassment or destruction of wildlife and wildlife habitats without justification and an appropriate authorisation from DSE. Activities that threaten, harass or destroy wild populations of native animals include using certain methods to hunt (e.g. a gun or bow), pursue (e.g. using a vehicle, aircraft or boat) or take (e.g. poisoning, trapping and luring) wildlife are prohibited.

### **Issue F – Granting exemptions from offences under the Act**

There is a community benefit in certain specific activities involving wildlife being permitted that would otherwise be prohibited by the Act. An example is the treatment of sick or injured animals by a vet. By providing an exemption from offences in the Act to a particular class of person, or particular type of activity, these beneficial activities can be encouraged and supported and the regulatory burden can be reduced in circumstances where adequate checks are already in place.

## **1.2 Current regulatory framework**

### **1.2.1 Overview of current regulations**

The current regulations regulate the trade, possession and use of wildlife in Victoria by prescribing a number of licence types that enable the licence holder to undertake such trade, possession and use and by prescribing a number of conditions and restrictions on such licences. These conditions and restrictions aim to ensure that the welfare of all wildlife subject to the licence is protected and that no illegal take of wildlife from the wild, or illegal release of wildlife into the wild occurs. The current regulations also prescribe fees, offences and royalties for the purposes of the Act, provide exemptions from certain provisions of the Act and create penalties for activities harmful to wildlife or wildlife habitats.

A summary of the entitlements that attach to each type of licence currently available in Victoria, and the conditions and/or restrictions on these licences, is contained in **Attachment B**.

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34 ERNC 2000, *ibid* p. 108

35 ERNC 2000, *ibid* p. 112

36 These birds are declared 'unprotected' in Victoria when causing serious damage to trees, vineyards, orchards, recreational reserves or commercial crops.

The keeping, trading or using of unlisted species is an offence under the Act. The schedules to the current regulations define which species may be kept and/or traded and/or used by each particular category of licence holder, or without the need for a licence.<sup>37</sup> There are currently 370 species of native wildlife that may be legally kept and traded in Victoria. A summary of the schedules is contained at **Attachment C**.

### 1.2.2 Number of current licences

Table 5 below sets out the number, and type, of wildlife licences currently issued in Victoria.

**Table 5: Number and type of licences under the Wildlife regulations 2002**

Licence class	Licence type	Number
<b>Commercial Wildlife Licences</b>		
Commercial Wildlife Assistants	Assistants	177
Commercial Wildlife Licence	Controller Type 1	42
Commercial Wildlife Licence	Controller Type 2	127
Commercial Wildlife Licence	Dealer Type 1	87
Commercial Wildlife Licence	Dealer Type 2	3
Commercial Wildlife Licence	Demonstrator	39
Commercial Wildlife Licence	Demonstrator (Interstate)	6
Commercial Wildlife Licence	Displayer	45
Commercial Wildlife Licence	Producer Type 1	7
Commercial Wildlife Licence	Producer Type 2	4
Commercial Wildlife Licence	Producer Type 3	19
Commercial Wildlife Licence	Taxidermist Type 1	23
Commercial Wildlife Licence	Taxidermist Type 2	10
Total Commercial		589
<b>Private Wildlife Licences</b>		
Private Wildlife Licence	Advanced	1629
Private Wildlife Licence	Basic	9665
Private Wildlife Licence	Specimen	107
<b>Total Private</b>		<b>11,401</b>
<b>Total</b>		<b>11,990</b>

Source: Wildlife Licensing System as at 11 July 2012

<sup>37</sup> For example, holders of a Private Wildlife (Basic) Licence are permitted to possess those species listed in Schedules 3 and 8 while holders of a Private Wildlife (Advanced) Licence are also permitted to possess species listed in Schedules 4A and 4B.

### **1.2.3 Issue A – Enabling the possession of, and trade in, captive bred wildlife**

#### **Private Wildlife Licences**

The current regulations include a two tiered licensing system for persons who wish to keep captive bred wildlife as pets. 'Basic' licence holders are permitted to keep certain species that are readily available from captive sources, are generally easy to keep and do not represent a major human safety or biosecurity risk. 'Advanced' licence holders are also permitted to keep certain species that require more specialised husbandry skills and equipment, such as venomous snakes, and certain species that are not readily available from legal sources. There is also a separate 'specimen' licence category for those who wish to hold collections of dead wildlife. There are nearly 12,000 Private Wildlife Licence holders in Victoria.

As of September 2012, there were 307 species of wildlife being held on a Private Wildlife Licence. The total estimated annual expenditure on recreational wildlife keeping of Private Wildlife Licence holders in Victoria is in the order of \$18.5 million.

#### **Commercial Wildlife Licences**

There are a range of specialist licence types for those who wish to keep or trade captive bred wildlife for specific commercial purposes. There are 180 such Commercial Wildlife Licence holders in Victoria.<sup>38</sup> These licences contain conditions and restrictions to deal with animal welfare and human health and safety concerns. For example, Wildlife Dealers are required to provide information on appropriate animal care when selling to members of the public and Wildlife Demonstrators must provide a suitable 'pit' when displaying venomous wildlife in close proximity to members of the public in order to ensure the animals are securely contained and not a safety risk to the public.

The total estimated annual expenditure on commercial wildlife keeping, breeding and trading by such Commercial Wildlife Licence holders in Victoria is approximately \$44 million.

### **1.2.4 Issue B – Enabling the breeding, and processing, of legally obtained wildlife**

The current regulations contain a range of specialist licence types for those who wish to breed, or process, legally obtained wildlife. Legally obtained wildlife means both live captive-bred wildlife (emus and game birds) or dead wildlife either legally taken from the wild in another State or Territory (such as kangaroos from South Australia) or legally hunted in Victoria (e.g. game).

As of July 2012, there were 30 Commercial Wildlife Licence holders authorised to undertake these types of activities.<sup>39</sup> These licences contain conditions and restrictions which provide for checks that any animals taken from the wild have been taken legally and which ensure that the welfare of live animals is protected.

The total estimated annual expenditure on the commercial breeding and processing of wildlife by these types of Commercial Wildlife Licence holders in Victoria is approximately \$1.1 million.

### **1.2.5 Issue C – Monitoring wildlife possession**

The current regulations contain a number of provisions relating to the mechanics of making a licence application and licence renewal.

To enable adequate enforcement of the licence system and the Act, the current regulations also include provisions that provide a paper trail documenting the movements of each individual specimen of wildlife. These require licence holders to keep records of all transactions involving wildlife kept under the licence, provide an annual return to DSE about the wildlife kept, and report to the Secretary any theft, loss or damage of either the kept wildlife or of these records. This enables the auditing of the wildlife in the possession of a licence holder and enables the origin of all wildlife to be traced back to when it entered the trade system (most commonly from a breeding event).

Currently online returns are offered for Private (Basic and Advanced) and Wildlife Dealer, Wildlife Demonstrator and Wildlife Displayer licence holders who hold fewer than 10 species of wildlife under their licence. This is offered through an external online service provider in the form of a survey and is limited to these licence holders due to the nature of the software. Until such time as a more comprehensive online licensing system is developed, all other licence holders must lodge a hard copy annual return to DSE.

In addition, most licence holders are required to keep their wildlife at specified premises and to conduct transactions from such premises. There are also provisions which may require individual specimens of wildlife to be marked to ensure adequate monitoring of the health or legal status of the animal.

### **1.2.6 Issue D – Managing problem wildlife**

The current regulations make provision for the licensing of persons to control, by taking from the wild and disposing or destroying, certain types of problem wildlife. As of July 2012, there were 169 Wildlife Controller Licence holders authorised to undertake such activities in Victoria.

The current regulations also make provision for the payment of a \$5 royalty each time a holder of a Wildlife Controller (Type 1) Licence, with a bird catcher endorsement, catches a Sulphur-crested Cockatoo, Galah or Long-billed Corella. The licence

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38 Commercial Wildlife Licences from WLS database consisted of the following licence types: Dealer Type 1, Dealer Type 2, Demonstrator, Displayer, Taxidermist Type 1 and Taxidermist Type 2

39 Commercial Wildlife Licences from WLS database consisted of the following licence types: Producer Type 1, Producer Type 2, and Producer Type 3



holder is required to pay DSE a \$5 royalty in exchange for a ring, which must be placed on the leg of each captured bird at the point of capture. The ring serves as visible proof which is necessary from a compliance perspective to ensure that birds are only taken from the wild in areas where they are declared unprotected and damaging crops. In the 2011/12 financial year 1,400 such rings were issued.

The total estimated annual expenditure on commercial wildlife control by these types of Commercial Wildlife Licence holders in Victoria is approximately \$990,000.

### **1.2.7 Issue E – Protecting wildlife both in captivity and in the wild**

In order to ensure the welfare of captive animals is protected, the current regulations impose certain obligations on all those who possess, breed and/or transport wildlife regardless of whether or not the wildlife is required to be licensed. For example:

- any captive wildlife is to be kept in a secure cage or enclosure designed to prevent the escape of the wildlife, protect the wildlife from predators and to exclude unauthorised persons;
- persons are not permitted to inter-breed wildlife that does not naturally inter-breed in the wild;
- anyone transporting wildlife must do so in a manner that ensures the safety of that wildlife during its transport; and
- it is prohibited for people to acquire, or dispose, of wildlife that is not self-sufficient or that is injured or diseased.
- In order to ensure that the welfare of wild populations and the habitats of wildlife in the wild are protected, the current regulations make it an offence to take or to harass wildlife in the wild by a number of methods or to wilfully damage or destroy wildlife habitat.

### **1.2.8 Issue F – Granting exemptions from offences under the Act**

The current regulations contain exemptions to offences under the Act for the destruction of injured wildlife by registered vets, the destruction of farmed emus, deer and game birds by abattoir workers, those transporting injured or sick wildlife to vets or wildlife shelters, those transporting wildlife on behalf of a licence holder and the operation of zoos by the Zoological Parks and Gardens Board.

There are also some 58 species of native wildlife, such as budgerigars, that may be kept for private purposes without any licence provided the animal has come from a legal source.<sup>40</sup> It is not possible to estimate how many people hold such unlicensed wildlife.

Nor is a licence required to possess legally taken game products, certain emu products, legally produced wildlife products from interstate (such as meat, skins and souvenirs), the cast feathers of wildlife birds, the sloughed skins of reptiles and the cast antlers of deer.

### **1.2.9 Other issues**

The current regulations also deal with a number of other matters such as:

- administration of written authorisations under s. 28A of the Act;<sup>41</sup>
- the prescription of certain items for purposes of the Act; such as what a poison is and where unattended cats and dogs can be seized;<sup>42</sup> and
- the setting of standards around the inter-state transport of animals<sup>43</sup> under import and export permits. Slightly over 2,000 import/export permits were processed in Victoria in the 2011/12 financial year for the transport, both privately and commercially, of captive bred wildlife into or out of Victoria.

### **Current regulatory framework for dingoes**

The private possession, keeping, breeding, selling, buying and disposing<sup>44</sup> of pure captive bred dingoes in Victoria is currently authorised by the granting of a written authorisation under s. 28A of the Act.<sup>45</sup> No fee is currently charged for such an authorisation. There are currently 70 authorised dingo holders in Victoria.

Keepers of dingo-dog hybrids, which are not considered protected wildlife under the Act, are required to register their animal with their local council in accordance with the requirements of the *Domestic Animals Act 1994*.

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40 These species are listed in Schedules 5A and 5B of the current regulations.

41 Section 28A authorisations include permits to control wildlife, shelter and foster care permits and other *ad hoc* authorities.

42 Prescribing what a 'poison' is reduces the burden of proof to the prosecution in suspected cases of the poisoning of wildlife by merely requiring proof that a listed prescribed substance has been used. Prescribing where unattended dogs and cats may be seized enables the protection of wildlife in specific areas where the risk of injury or death from cats or dogs is significant. At present the only area so prescribed is certain lands managed by the Phillip Island Nature Park.

43 Specifically, wildlife travelling interstate must be self-sufficient, must be able to feed itself and must not be injured or diseased.

44 Commercial keeping of dingoes by Wildlife Displayers and Wildlife Demonstrators is permitted under the current regulations

45 See <http://www.dse.vic.gov.au/plants-and-animals/native-plants-and-animals/keeping-and-trading-wildlife-in-victoria/keeping-dingoes-in-captivity>

Conditions of such authorisations include:

- that the authorised holder is over 18 years of age (for safety reasons);
- that an adequate enclosure meeting certain prescriptive standards is provided to prevent the escape of dingos and any unauthorised access. The enclosure must be inspected by an authorised officer prior to the authorisation being granted;
- a requirement that every dingo is marked by a micro-chip or tattoo for identification purposes;
- restrictions on who dingoes can be acquired from and disposed of to, and a requirement that DSE is notified of any dingo acquisition or disposal; and
- a requirement for each dingo to be physically restrained by a lead of some sort when being walked (i.e. cannot use voice commands as a means of control).

### 1.2.11 Best practice in wildlife licensing systems

An Australian Institute of Criminology discussion paper from 1994<sup>46</sup> on the regulation of the wildlife trade<sup>47</sup> suggested that:

*Effective regulation of wildlife trade aims to control and monitor the 'who, where, when, how and what' of all significant transactions involving wildlife. In theory, this can be achieved through the operation of an effective licensing system, requiring all agents to maintain and submit records of all transactions.*<sup>48</sup>

Such a system should have the dual purpose of facilitating the legal possession, use and trade of captive-bred wildlife (deterring illegal take and trade activities) and identifying illegal activity (enabling prosecution under wildlife laws). It should also be flexible enough to authorise different levels of possession, trade and use for different species dependent upon their availability from captive-bred sources, level of vulnerability in the wild, potential danger to the public and care requirements.

The paper also identified a set of 'best practice' principles for such regulation.<sup>49</sup> The current Victorian regulatory regime adheres to these best practice principles.

## 1.3 Rationale for Government intervention

Public policy generally begins from the premise that any economic activity should be free of regulation unless it can be shown that:

- there exists a 'market failure' which, if left unregulated, will not generate socially efficient levels of output;
- the unregulated activity will not achieve social or equity objectives; or
- regulation is needed to manage risks to the public.

### 1.3.1 Market failures

The uncontrolled take, possession, trade and use of wildlife is associated with a number of market failures, particularly those involving negative externalities. This is encapsulated in the 'tragedy of the commons' argument, which states that free access to, and unrestricted demand for, a finite resource ultimately dooms the resource through over-use.<sup>50</sup> The 'tragedy of the commons' dilemma is common in markets for wild plants and animals with species being overexploited for short term gains and the natural resource being endangered, or even eliminated, for future users.<sup>51</sup> A common regulatory solution to correct the externalities identified with 'tragedy of the commons' is to establish rules and requirements governing what species may be taken from the wild and how species so taken may be traded and used.<sup>52</sup> Establishing systems of permits and/or licences to regulate the resources are regulatory tools used throughout Australian (and international) jurisdictions to manage such externalities.

However, while there are important economic rationales for regulating the take, possession, trade and use of wildlife these primarily support government involvement at the level of the Act, which prohibits all markets involving wildlife in Victoria. These economic rationales are of less importance to the proposed regulations which are actually 'market creating' in that they provide for limited legal wildlife markets to operate.

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46 Although this report is nearly 20 years old it remains the leading piece of research in this area and its recommendations are still valid.

47 Halstead B 1994, 'Wildlife legislation in Australia: Trafficking provisions', Discussion paper, Australian Institute of Criminology, Canberra, pp. 3–4

48 Halstead 1994, *ibid*

49 Halstead 1994, *ibid*, pp. 7–9. These suggest that licence holders should keep and maintain up-to-date records of all transactions and changes in stock; submit regular returns to the regulatory authority; that there be some assessment of a licence applicant's suitability; that strong penalties should apply to a failure to comply with record keeping requirements and the submission of returns; strong penalties should apply to the provision of false or misleading information; all transactions and licensed activities should, as far as possible, be restricted to licensed premises; the names and licence numbers of both parties to all transactions should be recorded; strong penalties should apply to unauthorised take from the wild; and penalties for engaging in transactions with unauthorised persons should apply to all licence holders.

50 Hardin G 1968, *Science*, Vol. 162, No. 3859, 13 December 1968, pp. 1243–1248

51 See SF Pires and WD Moreto 2011, Preventing wildlife crimes: Solutions that overcome the 'tragedy of the commons', *European Journal on Criminal Policy and Research*, Vol. 17 (2), pp. 100–123

52 See Lueck D 1989, The economic nature of wildlife law, *Journal of Legal Studies*, Vol XVIII, June, pp. 291–324, p.303 and Smith 1981, *ibid*

### 1.3.2 Social and equity objectives

Government intervention may also be justified in the pursuit of social and equity objectives. In the case of the proposed regulations the rationale for Government intervention lies in upholding certain community values and behaviours concerning the conservation of wildlife and the humane treatment of animals and in permitting limited wildlife possession and use in line with community standards.

There is a general community expectation that wildlife is protected for reasons related to the prevention of suffering to animals and the conservation of Victoria's unique fauna. Indeed, animal welfare has been formally regulated in Victoria since 1865<sup>53</sup> and in recent decades, there has been a growing awareness of both animal welfare and conservation issues. Thus, some government intervention can clearly be justified on both conservation and animal welfare grounds.

In addition, the sharing of resources among the community (i.e. for consumptive and non-consumptive uses) is also a rationale for government intervention on equity grounds. There are many who have strongly held views that any commercial exploitation of wildlife in the wild is morally wrong as this undermines the intrinsic value of wildlife and wildlife habitats.<sup>54</sup> However, there are also those who do not share this viewpoint and who support the keeping of captive species as pets and the commercial use of wildlife. Governments are vital in balancing such competing viewpoints.

### 1.3.3 Risks to public safety

A further justification for government intervention lies in the need to manage and minimise public safety risks. A particular form of social regulation relates to requirements that seek to reduce or manage the risk of harm to the health, safety or welfare of individuals in the community. The keeping of certain species of wildlife, such as venomous snakes or dingoes, can present safety risks if not appropriately managed. Thus, intervention may also be justified on public safety grounds.

## 1.4 Nature and extent of the problems

The following section explores, in more depth, the nature and extent of the problems that the proposed regulations seek to address.

### 1.4.1 Demand for trade, possession and use of wildlife in Victoria

In 2002 there were 8,200 Private Wildlife Licence holders and 168 Commercial Wildlife Licence holders.<sup>55</sup> By 2012 this had increased to nearly 12,000 Private Wildlife Licence holders and 589 Commercial Wildlife Licence holders.<sup>56</sup> This represents a 43 per cent increase in the number of Private Wildlife Licence holders and a 257 per cent increase in the number of Commercial Wildlife Licence holders in the past 10 years. This demonstrates the growing demand for the trade, possession and use of wildlife both privately and commercially in Victoria.

### 1.4.2 Threats of unregulated wildlife trade, possession and use

#### Threats from the illegal wildlife trade

'Australia is one of the twelve most biologically diverse countries in the world'<sup>57</sup> and such biodiversity provides many benefits.<sup>58</sup> However, biodiversity across Australia is currently declining.<sup>59</sup> Trade in illegal wildlife can negatively affect biodiversity in a number of ways:

- the dynamics of the black-market promote overexploitation.<sup>60</sup> Illegal take from the wild can threaten wild populations, lead to population decline and may ultimately lead to the extinction of particular species;
- invasive species introduced by the illegal trade can threaten biodiversity through competition with native species for food and habitat, predation, disease impacts and the alteration of the physical environment in ways that exclude native species. In addition, feral populations of escapees may interbreed with wild populations causing genetic pollution of wild populations;<sup>61</sup>
- wildlife habitats may be damaged. For example, it is common for tree hollows, which are often vital to the breeding success of some species, to be damaged by poachers in order to gain access to eggs or young of hollow-breeding parrots; and
- there may be indirect impacts on other taxa of wildlife. For example, damage to tree hollows can severely reduce the breeding success of certain species of parrots<sup>62</sup> due to increased competition for suitable nesting sites. This can have significant impacts on the long-term viability of populations of these species.

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53 Victoria Police Offences Statute 1865

54 Maheny T, Creating markets in wildlife, *Chain Reaction*, Issue 76, pp. 15–17

55 Department of Natural Resources and the Environment 2002, *Regulatory Impact Statement on the proposed Wildlife regulations 2002*, Victoria

56 Although as this number includes 186 holders of Assistants Licences the true number of wildlife businesses is closer to 400, this still represents a significant increase in wildlife businesses since 2002

57 Productivity Commission 2001, *Hamessing Private Sector Conservation of Biodiversity*, Commission Research Paper, Ausinfo, Canberra, p. 1

58 Productivity Commission 2001, *ibid.*, p. 2. The Productivity Commission identifies the following benefits of biodiversity; *use values* (e.g. from visiting national parks, the processing of pollutants, forestry and fishing), *option values* (keeping open the option for future use), *vicarious values* (preserving biodiversity for the use of other people), *bequest value* (preserving biodiversity for the use of future generations), *existence values* (knowing wildlife exists) and *intrinsic values*.

59 Natural Resource Management Ministerial Council 2010, *ibid.*, p. 7

60 As demand is greatest for species that are rare, see Alacs E and Georges A 2008, *ibid.*, p. 153

61 Halstead B 1994, *ibid.*, p. 5

62 Such as the Red-tailed Black Cockatoo or the Regent Parrot.

There are also risks to human health and safety from the illegal trade in wild animals. For example, this trade has the potential to facilitate the spread of infectious diseases. Indeed, the source of the 2003 SARS pandemic has been traced to local wildlife trading in China.<sup>63</sup> In addition, organised criminal networks are heavily involved in illegal wildlife trade. This involvement brings with it risks of violence and corruption.<sup>64</sup>

The illegal trade in wild animals also poses serious risks to animal welfare. In order to effectively smuggle wildlife in transit, animals are often inhumanely packaged.<sup>65</sup> Past seizures have discovered birds and reptiles concealed in tiny spaces such as in document mailing tubes, inside ornaments and toys, wrapped in socks or stuffed into cigarette packets carried in a concealed vest. Many smuggled animals die during transit.

### **Threats from the inappropriate keeping and trading of species**

Husbandry requirements include the dietary needs of the animals, what type of enclosure it requires (for example, the shelter and heating required) and its behavioral characteristics, including social needs. If a wildlife regulation regime does not adequately take into account the ease of husbandry and breeding of a species, animal welfare may be compromised. While most wildlife keepers are suitably knowledgeable and skilled, there are unfortunately some whose actions can result in animal welfare issues. For example, those who do not provide enclosures that allow the animal freedom to move, shelter and areas to rest or that do not provide access to fresh water and a suitable diet to maintain full health may be causing unnecessary pain and suffering. There have been cases in Victoria of animal cruelty towards wildlife in the possession of licence holders. Fortunately these are rare.

If species that are legal to hold are too hard to breed there may be a perverse incentive to illegally take from the wild. Conversely, a well-managed legal industry for the captive breeding of wildlife, and the trade in such captive bred animals, will reduce the incentive for illegal take from the wild.

If captive wildlife is not required to be kept in a secure way it may escape into the wild. The biodiversity risks of this are noted above.

Sufficient oversight of any legal wildlife industries is crucial as there is evidence that legal ventures are sometimes used as a cover for the laundering of illegally caught wildlife. Indeed:

*Regulatory agencies frequently observe that claims of high levels of breeding success often coincide with local availability of birds in the wild. This 'coincidence' suggests that attempts to launder wild caught birds as captive bred may be taking place.*<sup>66</sup>

This is a particular risk where there are differences between the wildlife laws in neighbouring States and Territories.<sup>67</sup>

Certain species of Victorian wildlife, such as venomous snakes or dingoes, can be extremely dangerous to humans if not kept and handled in an appropriate manner.

### **1.4.3 Management of identified impacts**

#### **Managing animal welfare concerns**

Threats to animal welfare may be reduced by controlling who may hold what species of wildlife in a tiered licensing system and by imposing requirements on licence holders to address animal welfare concerns. Restricting trade in wildlife that is too young, or not yet weaned from its mother, is also important for welfare reasons. An effective tool for addressing animal welfare problems caused by a lack of appropriate information is the provision, at the point of the sale, of education and training about the appropriate, ethical and humane way to look after a particular species. On occasion the marking of wildlife can be helpful for the tracking of animals in order to monitor animal welfare.<sup>68</sup>

#### **Managing human health and safety impacts**

Human health and safety threats may be reduced by imposing restrictions on who may hold particularly dangerous species, how these must be held and who may show such animals to the public. Further protection can be offered by requiring those showing animals to the public to ensure there are appropriate equipment, facilities and processes in place to show the animals safely and to prevent their escape.

### **1.4.4 Extent of wildlife crime in Victoria**

Wildlife crimes are often challenging to enforce. This can be due to the remoteness of the locations where smuggling may occur, the involvement of organised crime,<sup>69</sup> the difficulty of establishing ownership rights over wildlife and the minimal capital outlay involved in setting up as a poacher (a car and a few nets may suffice).<sup>70</sup>

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63 Rosen GE and Smith KF 2010, *ibid.*, p. 28

64 Rosen GE and Smith KF 2010, *ibid.*, p. 25

65 Halstead 1992, *ibid.*

66 Halstead 1994, *ibid.*, p. 169

67 Halstead B 1992, *Traffic in Flora and Fauna, Trends and issues in crime and justice*, No.41, Australian Institute of Criminology, Canberra, p. 4

68 DSE advise that a direction to mark wildlife, by micro chipping, has been given in the past to a Wildlife Demonstrator who had performed a veterinary procedure on a number of snakes without appropriate anaesthetic or pain killers. Marking directions have also been given to wildlife shelter operators and foster carers to mark, with coloured nail polish on a claw, grey-headed flying foxes on their release back into the wild after being treated for heat stress.

69 Rosen GE and Smith KF 2010, *ibid.*, p. 27

70 Halstead 1992, *ibid.*, p. 2-3

Severe penalties that can be applied to those committing wildlife offences, under both State and Commonwealth laws, reflect the detrimental impact illegal wildlife activities have on the environment and, in particular, on endangered species. A person illegally possessing, breeding, trading or displaying native wildlife without a licence is liable for fines up to \$33,800 and/or up to 2 years' imprisonment.

However, a study into the enforcement of Australia's national wildlife laws by the Australian Customs Service, in the period between 2000 and 2007, found that less than 1 per cent of seizures of illegal wildlife resulted in a prosecution.<sup>71</sup> Even when a person was prosecuted the sanction applied tended to be low with 70 per cent of prosecutions resulting in a fine. Moreover, the level of such fines tended to be less than the black market value of the goods seized. However, more recently the trend has been towards greater seizures and stricter enforcement of national wildlife laws.

Data on current levels of compliance with Victoria's wildlife laws are set out in section 7 of this RIS. These indicate that there is a continuing problem with wildlife crime in Victoria.

#### **1.4.5 Developments over the past 10 years**

Whilst the proposed regulations largely replicate the current arrangements there have been a number of developments over the past 10 years that have influenced the proposed regulations. The key changes are set out in Box 1 on page 5, and a full comparison of the current and proposed regulations is set out in **Attachment D**.

#### **1.4.6 Dingoes declared a threatened species**

The private possession, keeping, breeding, selling, buying and disposing<sup>72</sup> of pure captive bred dingoes in Victoria has been authorised by the granting of a written authorisation under s. 28A of the Act since 2008.<sup>73</sup> No fee is currently charged for this authorisation.

This is inconsistent with the licensing and fee arrangements for all other native wildlife in Victoria and a more rigorous system for imposing conditions on the holding of dingoes, and one which allows DSE to recover its costs in regulating such private ownership, is now required. The inclusion of dingoes into the wildlife licensing scheme was felt to be the best way of achieving these aims. This solution will ensure that dingo holders are treated in a similar manner to Wildlife Advanced Licence holders who also hold wildlife with special husbandry requirements for private purposes.

There are approximately 70 authorised dingo holders in Victoria. The authorisations are issued for three years and have a common expiry date in 2015. Upon making of the proposed regulations, any new applications to privately keep dingoes will be issued with a Dingo Licence. All current dingo authorisations will remain valid until they expire in 2015, after which time the licence holders will be required to transfer over to a Dingo Licence and a licence fee will apply.

It is proposed that conditions of such a licence should include:

- that the licence only be available to natural persons over the age of 18 years and that only licence holders are authorised to handle dingoes, unless with the written approval of the Secretary;
- that the licence holder microchip every dingo; that enclosures be child-proof, be of sufficiently secure design and construction to prevent the escape of dingoes and unauthorised access to the dingoes, have a secure escape-proof fence and be constructed prior to the licence being applied for; and
- licence holders keep a record book of all transactions involving dingoes in their possession and submit annual returns to DSE, in line with the record keeping and return requirements of all other licence categories.

#### **1.4.7 Developments in animal husbandry**

There have been advancements in animal husbandry over recent years, particularly with respect to the welfare of wildlife and its requirements for adequate housing and transportation.

#### **1.4.8 Changes in taxonomy**

Due to developments in taxonomy some animals that are currently listed as one taxon have been split into two or three individual taxa. The common and/or scientific name of some taxon has also been updated.

#### **1.4.9 Increased community concern**

There has been an increase in community concern about wildlife and an expectation that the Government manage wildlife possession, use and trade to improve animal welfare outcomes and to reduce the impact on wild populations and their habitats. The regular reporting of wildlife incidents to DSE for investigation is evidence of such community concern (see section 7 to this RIS).

#### **1.4.10 Changing scale of wildlife businesses**

While the industry is still dominated by small businesses, since the current regulations were introduced some commercial wildlife businesses in Victoria have become larger, and franchise pet stores with multiple business premises across the State are beginning to become common. There are even large superstores which often include pet supplies with other services, such as pet grooming, obedience training or a veterinary service. It is important that the licence regime is able to control the activities occurring at each business premises of these entities.

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71 Alacs E and Georges A 2008, *ibid*.

72 Commercial keeping of dingoes by Wildlife Displayers and Wildlife Demonstrators is permitted under the current regulations

73 See <http://www.dse.vic.gov.au/plants-and-animals/native-plants-and-animals/keeping-and-trading-wildlife-in-victoria/keeping-dingoes-in-captivity>

#### **1.4.11 Employees of Commercial Wildlife Licence holders**

There have been occurrences in the past where Commercial Wildlife Licence holders, and their employees, have used wildlife businesses as a means for laundering illegally taken wildlife into the legal market.

Under the current regulations all employees of a Commercial Wildlife Licence holder that work with, or on, wildlife must themselves hold an Assistants Licence. This enables DSE to prosecute both the employer and the employee for breaches of licence terms if such illegal activity occurs. However DSE considers that a register of employees can provide adequate safeguards, while at the same time lowering the financial and regulatory burden on wildlife businesses.

To ensure continuing compliance and enforcement of the proposed regulations DSE requires the ability to:

- identify who the employees of a Commercial Wildlife Licence holder are;
- stipulate what these employees may or may not do with wildlife; and
- ensure that both the employer and the employees are accountable for their actions.

The proposed regulations intend to do this by requiring licence holders to:

- submit a register of all employees undertaking activities under their licence, on or with wildlife, to DSE and update this within 14 days of staff leaving or joining the business;
- ensure their employees are aware of the requirements of the licence and are provided with a copy of the licence. Employees will also be required to carry a copy of the licence with them when operating under the licence but away from the specified premises (e.g. employees of a Wildlife Demonstrator giving demonstrations at a location such as a school or shopping center); and
- record each transaction involving wildlife in a record book and ensure this is initialled by the employee who undertook that transaction.

The register of employees is a means for the employer to notify DSE of the staff in their employment who are allowed to work with wildlife under their licence. DSE authorised officers will use the register of employees during inspection of record books, to verify that transactions involving wildlife are carried out only by a registered employee of the Commercial Licence holder. For an employee who is working away from the specified premises and carrying a copy of the licence, DSE will also use the register to cross check that the person is in fact still employed with the Commercial Licence holder, because being in possession of a copy of the licence in itself is not proof of this alone. If the person holding the copy of the licence is no longer employed with the Commercial Licence holder, the licence holder would have updated DSE of that person's employment ceasing. The concern is that anyone can photocopy the licence and carry it on them, so having the means to cross check the register deals with this issue.

DSE needs the ability to identify employees of Commercial Wildlife Licence holders who are carrying out activities with or on wildlife under the authority of the licence, so that they can be held accountable for their actions. The requirement for an employee register is intended to achieve this, while lowering regulatory costs for business.

#### **1.4.12 Changes in technology**

Changes in technology mean that it should be possible, over time, to move to a system of electronic licences and returns. A new online licensing system is expected to be implemented by early 2014. The proposed regulations need to allow for electronic returns and license renewals.

#### **1.4.13 Identified enforcement difficulties with current regulations**

Other provisions in the proposed regulations that deal with identified enforcement gaps include:

- a new requirement that the licence number be advertised in all wildlife transactions. This allows for tracking and monitoring to ensure each trade is legal; and
- a new requirement for Wildlife Demonstrator Licence holders to keep records of the demonstrations given under the licence. It is already a requirement that Wildlife Demonstrator licence holders must carry out a minimum number of demonstrations in a certain period under the licence. The inclusion of this new requirement is to ensure that the licence holder has a means of recording these in order to demonstrate compliance with the licence condition.

### **1.5 Risks of non-intervention**

The risk of not remaking the current regulations, which expire on 25 June 2013, is that no wildlife licences could be issued in Victoria. In the absence of the proposed regulations it would be an offence under the Act to trade, possess or use wildlife for recreational or commercial purposes and there would be no mechanism to provide licences for such trade, possession and use. Nor would there be a mechanism for identifying which species of wildlife should be subject to which level of protection.

Should all wildlife trade in Victoria become illegal this would adversely impact on thousands of licensed recreational wildlife keepers who would not be able to keep native wildlife as pets and hundreds of commercial wildlife businesses which would be unable to trade, keep or use wildlife.

Once it has been decided to permit the keeping, trading and use of Victorian wildlife, the question becomes one of which regulatory, or non-regulatory, framework provides for the most efficient, effective and sustainable management regime for wildlife trade, possession and use.

## 2. Objectives of government intervention

### 2.1 Government policy

Victoria is signatory to several national agreements and strategies on biodiversity.<sup>74</sup> *Australia's Biodiversity Conservation Strategy 2010–2030*<sup>75</sup> is the guiding policy framework for the diverse mix of national, state, territory, local government and private sector approaches to the conservation of Australia's biodiversity over the coming decades.<sup>76</sup> Its vision is that Australia's biodiversity is healthy and resilient to threats and is valued both in its own right and for its essential contribution to our existence.

*Victoria's Biodiversity Strategy 1997*<sup>77</sup> sets out the strategic framework, and context, in which biodiversity conservation priorities in the State can be determined. This framework both encourages private actions, through market mechanisms, to conserve biodiversity and also acknowledges the need for a safety net of government regulation to manage issues such as the taking of flora and fauna from the wild. The strategy sets high level biodiversity conservation goals. The general prohibition in the Act on the take, possession, trade and use of Victoria's wildlife with limited permitted exceptions provided for by regulations, accords with this safety net approach.

In 2000 the Environment and Natural Resources Committee of the Victorian Parliament published a wide ranging report into the potential for, and barriers to, commercial utilisation of native Victorian flora and fauna.<sup>78</sup> This inquiry report used an ecologically sustainable development framework to assess the desirability of particular commercial uses of wildlife.<sup>79</sup>

The current policy of the Victorian government is consistent with this report and is to allow the take, possession, trade and use of certain native wildlife for private and commercial purposes, subject to strict conditions and constraints that ensure the conservation of wild populations and their habitat, animal welfare and human safety are not compromised.

### 2.2 Objectives

The Victorian Government's four key objectives with respect to Victorian's keeping, trading, and using wildlife is to:

- facilitate the economic benefits of a legal and well managed wildlife industry;
- recognise the public benefit of a legal and well managed wildlife industry;
- ensure the conservation of native wildlife and wildlife habitat and to protect animal welfare; and
- protect human health and safety.

### 2.3 Authorising provision

The proposed regulations are made under s. 87 of the Act. Section 87 of the Act provides that the Governor-in-Council may make regulations for the management, control, conservation and propagation of wildlife and for the preservation and maintenance of wildlife habitat.

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<sup>74</sup> These include the *Intergovernmental Agreement on the Environment (IGA)*; the *National Strategy for Ecologically Sustainable Development*; the *National Strategy for the Conservation of Threatened Species* and the *Communities in Danger of Extinction*.

<sup>75</sup> Natural Resource Management Ministerial Council 2010, *Australia's Biodiversity Conservation Strategy 2010–2030*, Australian Government, Department of Sustainability, Environment, Water, Population and Communities, Canberra

<sup>76</sup> Natural Resource Management Ministerial Council 2010, *ibid.*, p. 9

<sup>77</sup> Victorian Government 1997, *Biodiversity Strategy 1997*, <http://www.dse.vic.gov.au/conservation-and-environment/biodiversity/victorias-biodiversity-strategy-1997> accessed on 4 September 2012

<sup>78</sup> Environment and Natural Resources Committee (ENRC) 2000, *Utilisation of Victorian Native Flora and Fauna, Inquiry Report*, Parliament of Victoria

<sup>79</sup> Specifically, commercial utilisation had to improve individual and community welfare and well-being, increase inter-and-intra generational equity and maintain biodiversity and ecological processes. See ENRC 2000, *ibid.*, p. 21

# 3. Options to achieve the objectives

## 3.1 Regulatory and non-regulatory options

### 3.1.1 Alternatives to subordinate legislation

The *Subordinate Legislation Act 1994* requires that regulatory and non-regulatory options be considered as part of a RIS. Further, the Premier's Guidelines provide guidance on alternative methods by which the government's objectives may be achieved. Alternatives to subordinate legislation include:

providing better information to affected groups to raise awareness of their rights and/or obligations;

introducing voluntary, or mandatory, codes of conduct for the activity;

expanding the coverage of existing primary legislation;

encouraging organisations and individuals to consider the impact of their activities on the community and environment; and

developing efficient markets, where these would deal with the issue.

### 3.1.2 Options – limited to a statutory rule

Some form of statutory rule is the only viable option to achieve the Government's objectives because only a statutory rule can 'give effect' to or 'operationalise' key elements of the Act. While these suppositions should generally be avoided, clause 51 of the Premier's Guidelines states that when the Act requires that a thing or matter be prescribed in a statutory rule it must be provided for in a statutory rule:

*For example, where the authorising legislation provides for fees to be prescribed in statutory rules, there may be no discretion to set those fees by another method.<sup>80</sup>*

Given the limited discretion provided by the Act<sup>81, 82</sup> this RIS will focus on systems and processes contained in a statutory rule rather than considering alternative non-regulatory options for achieving government objectives. This RIS will also focus on fee design elements in a statutory rule rather than considering the use of alternative funding options or economic instruments. The scope for considering alternative options is further limited because of the narrow focus of the residual problem and by the simple, transaction-based nature of obtaining a licence from DSE.

### 3.1.3 Feasible options

Feasible options were identified to address the following aspects of possession, trade and use of wildlife in Victoria are:

- wildlife taxa listed on the schedules
- reporting requirements and thresholds;
- licence periods;
- monitoring of licensee employees;
- fee design; and
- licence categories.

Each of these aspects of the proposed statutory rule contains a number of regulatory design options.

#### Wildlife taxa listed on the schedules

Two alternative options were identified as varying the taxa of wildlife listed in each of the schedules, thereby altering the level of protection afforded to the taxa, its permitted use within the licensing system, and the regulatory costs and benefits.

Feasible alternatives identified in this RIS for this aspect of possession, trade and use of wildlife in Victoria are:

- Option A1 – use the licensing threshold in the current regulations; and
- Option A2 – use the licensing threshold in the proposed regulations. The proposed regulations include additional taxa on the schedules as compared to the current schedules. These taxa were included in the proposed regulations following consultation with WPTAC.

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80 *Subordinate Legislation Act 1994 Guidelines*, Revised 2011, clause 51 in Appendix E, DTF 2011, *ibid*.

81 Many activities involving wildlife are offences unless undertaken by a person holding a licence or a person with authorisation to undertake that activity (see ss. 41, 43, 45, 47 and 47D of the Act). Section 87 of the Act provides, amongst other matters, that the Governor-in-Council may prescribe in regulations the procedure for making a licence application, the entitlements, conditions and restrictions on a licence and requirements for licence holders regarding record keeping and returns.

82 Section 87(1)(ah) of the Act provides that the Governor-in-Council may prescribe "fees to be charged under this Act for any purposes not expressly provided for and for services rendered by officers of the Department within the meaning of the *Conservation, Forests and Lands Act 1987*."



## Reporting requirements and thresholds

The proposed regulations impose a number of reporting requirements on licence holders. Four feasible alternative reporting arrangements for licence holders were identified. These alternatives vary either the frequency with which licence holders are obliged to make regulatory reports of their activities under their wildlife licence to DSE, or the level of information that is required to be provided to DSE in such reports. It is worth noting that in the past annual returns were required twice a year from private licence holders and quarterly from commercial licence holders.

Alternatives identified in this RIS for this aspect of possession, trade and use of wildlife in Victoria are:

- Option B1 – annual reporting (proposed regulations);
- Option B2 – require more frequent reporting; and
- Option B3 – require less frequent reporting (reporting ever three years).

## Licence periods

Altering the duration for which a wildlife licence is granted may affect the regulatory burden imposed on licence holders. Two feasible alternative licence durations were identified in this RIS for this aspect of possession, trade and use of wildlife in Victoria. These are:

- Option C1 – annual licensing as provided for in the current regulations;
- Option C2 – provide licence holders with the option of taking out either a one year licence or a multi-year licence (up to three years).

## Employee register

The proposed regulations could consider replacing the current Assistants Licence and in its place require the employer to keep a register of employees. This would lower licensing and administration costs overall but will introduce some new costs associated with maintaining the register.

- Option D1 – retaining assistance licence;
- Option D2 – creating an employee register.

## Fee design

Cost-recovery for the administration of the wildlife licensing regime is an important consideration. The rationale being that those individuals who privately benefit from a government service, or regulated activity, should make some contribution to the costs incurred by the Government who provides that service or activity. Consideration could also be given to a regime of partial cost-recovery (if it can be demonstrated that a lower than full cost-recovery does not jeopardise other objectives) and/or to rely on other funding sources to finance the government activity.

Partial cost-recovery can vary in its extent. For example, fees can recover 25 per cent, 50 per cent or 75 per cent of regulated costs. This extent depends on government objectives and the nature of the good/service provided by the operator. Based on equity grounds, a case can be made for a discount of 50 per cent for less well-off members of society; in this case concession card holders.

In addition, an argument could be made that Wildlife Displayers and Wildlife Demonstrators provide a product that has 'merit good' characteristics. Merit goods, sometimes known by economists as positive externalities, generate benefits to unrelated third parties. In this case, education benefits related to Victoria's wildlife. Similar arguments could be made with respect to Wildlife Controllers. By capturing and controlling wildlife (e.g. venomous snakes) public health risks are managed (this may avoid calls on the public health system). Typically, the free market may result in an under-consumption of merit goods from society's point of view (e.g. education, healthcare). In other words, it could be argued that the displaying and demonstration of wildlife, as well as the management of nuisance or dangerous wildlife generates both private and public benefits.

The question arises as to the division of private versus public benefits: that is, where does the 'good' (education and managing public risk) lie on the continuum of pure private and pure public good.<sup>83</sup> In this regard, a figure of 75 per cent cost-recovery has been adopted in the Wildlife (Marine Mammals) regulations 2009 and Tour Operator Licence Fees Regulations 2011. For the purposes of this RIS, therefore, a level of 75 per cent cost-recovery is adopted for fees Wildlife Displayers, Demonstrators, and Controllers. Implicit in this is an assumption that about three-quarters of the benefits are captured by the licensee and the broader public receives about one-quarter of the benefits (e.g. educational or reduced risks).

The Government could choose to recover no costs (i.e. zero cost-recovery). However, given that this alternative is analogous to the 'base case', it is not considered an option. It is also inconsistent with Victoria's *Cost Recovery Guidelines*.

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<sup>83</sup> 'Public goods' are characterised by the fact that no one can be effectively excluded from consuming them and that increased consumption of the good by one individual does not reduce availability to others. For example, aesthetic values are among many public good characteristics provided by forests, along with carbon storage and biodiversity conservation. Economic theory explains why the free market will systematically under-provide such goods, and why collective action, typically by the government, is usually required to ensure their adequate provision.

Feasible fees design options identified are:

- Option E1 – adopt fee levels designed to provide full cost-recovery to the Victorian Government; and
- Option E2 – adopt fee levels designed to provide full cost-recovery to the Victorian Government combined with concessions and some public good discount (i.e. 50 per cent discount for concession card holders and 25 per cent discount for Wildlife Displayers, Demonstrators and Controllers).

### **Licence categories**

As a result of the Activity Based Costing exercise undertaken to determine the proposed fees, it emerged that the administrative effort performed to process licences was similar for a number of licence types. This suggests that the cost differential between some fee types contained in the current fee structure cannot be justified on cost-recovery grounds.

Consequently, in order to streamline and simplify the various types of licence categories, the option of combining some of the categories of licences has been considered and included in the proposed regulations. The proposed regulations combine the following licence categories:

- ***The Wildlife Controller Type 1 and Wildlife Controller Type 2 licences have been combined into one Wildlife Controller licence.***

The new Wildlife Controller licence will entitle licence holders to control those wildlife listed in Schedule 6 of the proposed regulations. The Wildlife Controller Type 2 licence is limited to only reptiles in the current regulations.

- ***The Wildlife Dealer Type 1 and Wildlife Dealer Type 2 licences have been combined into one Wildlife Dealer licence.***

The new Wildlife Dealer licence will entitle licence holders to deal in wildlife listed in Schedule 2, 3A, 4 and 7 of the proposed regulations. The Wildlife Dealer Type 1 licence is limited to taxon from Schedules 3 and 5 in the current regulations. Authorised officers have the ability to assess returns data to determine which Wildlife Dealer Licence holders are trading in which species, so there is no longer a need to have a distinctly separate licence category.

- ***The Wildlife Taxidermist Type 1 and Wildlife Taxidermist Type 2 licences have been combined into one Wildlife Taxidermist licence.***

The new Wildlife Taxidermist licence in the proposed regulations will entitle licence holders to undertake taxidermy on all wildlife listed in Schedule 2, 3, 4, 5A and 5C, or wildlife listed in Schedule 7 that have been obtained from a Wildlife Farmer Licence holder. In the current regulations, Wildlife Taxidermist Type 2 Licence holders are limited to introduced game birds and deer which are listed on Schedule 6A and 6C (5A and 5C in the proposed regulations), where as under the proposed regulations they will have access to more species. The record keeping and returns provisions along with the ability for authorised officers to access this information means it is no longer necessary to have two separate licence categories.

The above changes should result in less confusion for licence holders regarding which licence type to obtain and what their entitlements are. They will also allow DSE to streamline administrative arrangements, thus reducing the administrative burden and improving efficiencies of the licensing system.

The names of a number of licence categories have also been revised in the proposed regulations to reduce confusion and better suit the entitlements of the licence. These include:

- Private Wildlife (Basic) Licence is proposed to be called a Wildlife Basic Licence
- Private Wildlife (Advanced) Licence is proposed to be called a Wildlife Advanced Licence
- Private Wildlife (Specimen) Licence is proposed to be called a Wildlife Specimen Licence
- Wildlife Producer Type 1 Licence is proposed to be called a Game Bird Farmer Licence
- Wildlife Producer Type 2 Licence is proposed to be called a Wildlife Processor Licence
- Wildlife Producer Type 3 Licence is proposed to be called a Wildlife Farmer Licence

### **3.1.4 Other options considered not practicable**

#### **Requiring less information in returns**

Recording and reporting information represents a large part of the costs associated with the proposed regulations. To lower these costs, ways of streamlining and simplifying the information required were examined. For example, the 'Protected Wildlife Record Book' (Book #1 for Private, Dealer, Demonstrator and Displayer Licences) requires information concerning the wildlife's name, date of acquisition, escapes, deaths, disposals (if any), the name and address details of the licensee, and total 'live' and 'dead' wildlife (if any). Similar record books exist for other licence categories.

DSE re-examined these forms and concluded that any reduction in information would impact upon the integrity of the quality of DSE's data. The information required in these record books is considered the minimum amount of information required for compliance purposes. For this reason, this option was not considered a feasible alternative.

Notwithstanding the minimalist nature of data required, it is expected that the proposed new licensing system will provide a number of efficiencies associated with licence renewals and returns. The system will allow electronic lodgement of returns and certain fields on the forms will be automatically generated for new return periods or the option given to replicate previous returns; thus obviating the need to re-enter certain data (e.g. name, address, licence number, species names).

### **Reporting Thresholds – Exemptions from reporting (three animals or fewer)**

In theory DSE could set a reporting threshold so that private wildlife licence holders who held, for example, three species or fewer would not be required to be licenced and/or lodge returns. DSE data reveals that 85 per cent of licence holders hold three or fewer species (and 67 per cent hold two species or fewer). DSE data also shows that as of 31 March 2012, Commercial Licence holders held 11,500 animals, while Private Licence holders held 49,500 animals.

If persons with three species or fewer were not required to hold a licence (or hold a licence but not submit returns) then this would result in significantly less information being provided to DSE and would consequently lead to lower levels of compliance monitoring and lower levels of enforcement of non-compliance. If no records are required to be kept then targeted or risk-based inspections or audits would not be possible for such licensees.

The current arrangement permits DSE to monitor the entire population of privately held wildlife (therefore even 'nil returns' are important); exemptions would compromise this data set, with DSE advising that this would essentially turn the current licensing system into a 'self-assessment' regime. If licence holders with three species or fewer were not required to lodge returns then (approximately) 42,000 animals would not be recorded in Victoria – this would have compliance implications making it much more difficult to track the origin of an animal and easier for wildlife to be acquired illicitly from the natural environment.

Moreover, a species threshold pays no regard to risk to wildlife. For example, a person may hold up to three exceedingly rare or venomous species of wildlife, but not be required to report these to DSE.

Those taxa of wildlife that do not require any monitoring in the wildlife licensing system are already listed on Schedule 5 in the current regulations. Providing general exemptions from the reporting requirements is inconsistent with these arrangements and the principles associated with the establishment of the various schedules to the regulations.

For these reasons, while this option may in theory be possible, DSE does not consider it practicable in terms of achieving the government's overall objectives.

### **Royalties**

Royalties are imposed for the privilege of taking certain birds from the wild that are causing damage and selling them. This is imposed because a licence holder is accessing and using a public resource from which they benefit financially. Sulphur-crested Cockatoos, Galahs and Long-billed Corellas are protected wildlife; therefore the public are entitled to some recompense for the access of a Crown resource. The royalty imposed (\$5 per bird) is not excessive considering that these species can be sold for up to \$100 each. DSE is not likely to expand the royalty system to other taxon of wildlife at present because there are no other obvious species that:

- are sufficiently overabundant so as to allow for take from the wild to be sustainable;
- are suitable or practical for mass trapping;
- can be trapped in a safe and humane way; and/or
- are commercially viable.

### **Information and education campaigns**

Given the limited discretion provided by the Act, a number of alternative options were considered as not being feasible, or practicable, as stand-alone options.

Education campaigns are most suitable when the problem or non-compliance results from misinformation, or a lack of information. DSE already provides a large amount of public information to wildlife traders, keepers and users about the conservation value of wildlife and the potential for negative impacts associated with inappropriate or excessive levels of take from the wild through the DSE website, brochures and the DSE customer service helpline. In addition, the Department of Primary Industries' (DPI) Bureau of Animal Welfare produces information for the public on appropriate ways to keep wildlife in captivity. Undertaking a further information campaign was not felt to offer any additional benefits as knowledge levels amongst wildlife traders, keepers and users are already thought to be high.

### **Self-regulation (or voluntary codes of practice) and Co-regulation (or mandatory codes of practice)**

These tools can be useful for providing guidance with generally-worded 'performance based' regulation and can be voluntary or compulsory in nature. There are a significant number of Animal Welfare Codes of Practice already in existence (see **Attachment A**). Adding an additional voluntary code of practice on top of these was not felt to offer much additional benefit; particularly as voluntary codes do not have any mechanisms to ensure compliance and enforcement. Nor was the inclusion of the various Animal Welfare Codes of Practice into the proposed regulations, as mandatory codes of practice, felt to offer much additional benefit.

However, modern regulatory theory suggests that using a range of regulatory tools and responses to address particular issues may be more effective than simply choosing a single regulatory tool. Whilst not feasible or practicable as standalone options the above options are suitable complementary strategies to the proposed regulations. The continuation of current levels of public information and education and leaving the various Animal Welfare Codes of Practice to operate as 'soft law' may be the most appropriate, and effective, way of incorporating these strategies into the overall regulatory regime.

### 3.2 Principles of cost-recovery

Cost-recovery may be defined as the recuperation of the costs of government-provided or funded products, services or activities that, at least in part, provide private benefits to individuals, entities or groups, or reflect the costs imposed by their actions. The *Cost Recovery Guidelines* apply to cost-recovery arrangements of government departments and agencies, and include the recovery of the costs incurred by the Government in providing goods and services.<sup>84</sup>

As stated in the *Cost Recovery Guidelines*, Victorian Government policy is that regulatory fees and user charges should generally be set on a full cost-recovery basis. However, if it is determined that full cost-recovery is not consistent with other policy objectives of the government, it may not be appropriate to introduce a full cost-recovery regime. Consideration may be given to a regime of partial cost-recovery (if it can be demonstrated that a lower than full cost-recovery does not jeopardise other objectives) and/or to rely on other funding sources (e.g. general taxation) to finance the activity.

When designed and implemented appropriately, the adoption of cost-recovery has the potential to advance efficiency and equity objectives. However, the *Cost Recovery Guidelines* note that there may need to be a trade-off between efficiency and equity considerations in determining the appropriate form of cost-recovery.<sup>85</sup>

### 3.3 Groups affected

Groups affected by the options identified above include pet owners, wildlife breeders, pet shop owners, emu farmers, operators of game bird farms, operators of businesses that display wildlife, operators of businesses that demonstrate wildlife, taxidermists, wildlife traders, wildlife controllers and producers of goods made from wildlife.

### 3.4 Arrangements in other jurisdictions

**Attachment F** summarises the key legislation that regulates the trade, possession and use of wildlife in other Australian jurisdictions and the fees that apply to any equivalent licence or permit arrangements in these areas. There is significant variation in how the various States and Territories regulate such trade, possession and use. At one end of the scale is the regime in the Northern Territory which does not charge any fees for licences and permits. While at the other, Queensland operates a system which passes significant administrative costs on to applicants. South Australia and New South Wales have broadly comparable systems of licences and fees to Victoria.

Under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) the Commonwealth regulates the international trade in wild animals and plants in line with Australia's obligations under key international conventions, in particular the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The international trade in live native animals is prohibited.

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84 Department of Treasury and Finance 2010, *Cost Recovery Guidelines*, Melbourne

85 DTF 2010, *ibid.*, p. 23

# 4. Costs and benefits of the options

## 4.1 Base case

The 'base case' describes the position that would exist in the absence of the proposed regulations. It is necessary to establish this position to make a considered assessment of the incremental costs and benefits of the viable options.

Given the operation of the Act, the base case for purposes of analysis is represented by the situation in which *no private or commercial possession, trade or use of wildlife could legally occur* in Victoria.<sup>86</sup> This is because the Act prohibits the take, possession, trade or use of wildlife unless otherwise authorised. Regulations provide the enabling provisions to this general prohibition, providing it is done so under certain strict conditions (e.g. via a regime that establishes licensing).

Conceptually, an alternative base case could have been presented in the absence of the prohibition in the Act. Under this scenario, wildlife owners could hold wildlife without a licence, while codes of practice and educational material would seek to influence wildlife holders' behaviour. This scenario is not presented for analytical purposes in this RIS, but it did influence the selection of feasible options. For example, there is already an extensive range of codes of practice in place (see **Attachment A**) and DSE currently provides comprehensive educational material and information. Therefore, it would appear that there would be minimal 'marginal' benefit in assessing codes of practice or education campaigns as separate options.

## 4.2 Methodology

### 4.2.1 Assessment of costs and benefits

The *Subordinate Legislation Act 1994* requires, amongst other things, a RIS to assess the costs and benefits of proposed regulations. This legislation also requires that the RIS identify practical alternatives to the proposed regulations and assesses their costs and benefits compared to the proposed regulations. Conversely, the RIS is not required to identify alternatives which are not feasible or practicable.

By their nature, regulations are designed to modify or encourage certain behaviours in order to achieve certain outcomes. This can impose costs on individuals or businesses known as 'compliance costs'. In simple terms, compliance costs are the costs incurred or opportunities forgone by complying with regulations. In the context of the *Regulatory Change Measurement Manual*, these can be divided into 'administrative costs', 'substantive compliance costs' and 'financial costs'.<sup>87</sup>

*Administrative costs*, often referred to as 'red tape', are those costs incurred by individuals to demonstrate compliance with the regulation or to allow government to administer the regulation. Administrative costs can include those costs associated with familiarisation with administrative requirements, record keeping and reporting and include inspection and enforcement of regulation. Most regulatory costs in the proposed regulations are of an administrative nature.

*Substantive compliance costs* are those costs that directly lead to the regulated outcomes being sought. These costs are often associated with content-specific regulation and include specifying types of equipment to be used and training to be undertaken in order to meet government regulatory requirements. There is only one prescriptive substantive compliance cost in the proposal (i.e. the definition of a 'pit' requires it to be at least 1.1 metres). Other substantive compliance costs are of a more performance-based nature. For example, r. 43 deals with housing of wildlife and permits the licensee to tailor their compliance so long as the wildlife is housed in a secure cage or enclosure.

*Financial costs* are the result of a concrete and direct obligation to transfer a sum of money to the government or to a relevant authority. Such costs include administrative charges and taxes. All fees in this RIS are categorised as financial costs.

### 4.2.2 Discounted Cash Flow

Every effort was made to identify and quantify the costs and benefits imposed by the proposed regulations. As far as possible, likely costs were identified and a Present Value (PV) of the costs was calculated. A discount rate of 3.5 per cent was used over a 10-year period (i.e. the life of regulations in Victoria).<sup>88</sup> This allows future costs and benefits to be examined in terms of today's dollar value. Assumptions underlying these calculations are contained in **Attachment G**.

### 4.2.3 Multi-criteria Analysis

Multi-criteria Analysis (MCA) is presented in this RIS as an alternative assessment tool to complement the quantitative analysis. The MCA approach is described in the *Victorian Guide to Regulation*.<sup>89</sup> This approach represents a convenient way of comparing a range of alternative options. The technique requires judgements about how proposals will contribute to a series of criteria that are chosen to reflect the benefits and costs associated with the proposals. A qualitative score is

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86 In addition, in the absence of regulated wildlife trade and a regulated commercial wildlife industry in Victoria, it could be expected that an increased amount of illegal poaching would occur.

87 Department of Treasury and Finance 2009, *Victorian Regulatory Change Measurement Manual*, Melbourne, December, p. 10

88 DTF 2011, *ibid.*, Appendix C, p. 19

89 DTF 2011, *ibid.*, p. 85

assigned, depending on the impact of the proposal on each of the criterion weightings, and an overall score can be derived by multiplying the score assigned to each measure by its weighting and summing the result. If a number of options are being compared, then the option with the highest score would represent the preferred approach.

For the purposes of the MCA assessment below, an assigned score of zero (0) represents the base case, while a score of plus one hundred (+100) means that the alternative fully achieves the objectives. A score of minus one hundred (-100) means that the proposal does not achieve any of the objectives.

For the purposes of assessing options relevant to reporting requirements and thresholds, the employee register, licence periods and fee design, the MCA assessment tool was used.

Two criteria relating to the costs and benefits were chosen and weightings selected (see Table 6). They broadly reflect the government's objectives and weighting priorities in managing the legal wildlife industry.

**Table 6: Multi-criteria Analysis Criteria**

Criterion	Description of criterion	Weighting
Effective management and monitoring of the legal wildlife industry	Facilitate the economic benefits of a legal and well managed wildlife industry by ensuring that it is managed and monitored in an effective and efficient manner	50
Cost	This criterion seeks to measure costs to wildlife licensees.	50

#### 4.2.4 Decision Criteria

The present value (PV) discounted cash-flow technique was used to measure the likely administrative and compliance costs; however, others proved difficult to quantify in monetary terms. As a proxy for benefits, discounted annual expenditure by licensees was calculated from survey results conducted by DSE. The option with the highest net benefit is preferred compared to the alternatives.

The MCA assessment tool is used in an attempt to complement the assessment of the costs and benefits of the viable options. As noted above, the option with the highest score represents the preferred approach.

### 4.3 Assessment of Options

#### Wildlife taxa listed on the schedules

As noted above, the level of costs and benefits associated with the proposal largely derive from the taxa of animals listed in the schedules. In a practical sense, if no animals were listed in the proposed regulations then no direct costs or benefits would be incurred. By altering which taxa of animals appear in the schedule it is possible to alter the level of protection afforded to a taxa of animal and the permitted level of use of that taxa within the wildlife licensing system.

Some wildlife keepers and commercial traders are keen to increase the number of wildlife taxa that can be kept and traded. Benefits arise as enthusiasts are able to 'enjoy' a broader range of animals and traders are able to deal in a greater variety of species.

Implicitly, individuals undertake their own cost-benefit assessment when making a choice to acquire an animal. The benefits of 'enjoyment' are partly offset by the dis-benefits of associated costs. Such costs include regulatory fees and any compliance costs imposed by the licensing system and other non-regulatory costs (e.g. food costs, vet costs, etc). There may also be indirect 'costs' to the animals themselves; for example, issues associated with animal welfare.

There are a number of species of wildlife that are relatively common and are easy to look after. For these animals, sustainability and animal welfare risks are relatively small. 'Schedule 5 in the current regulations lists certain birds, mammals, amphibians and reptiles that may be held for private purposes without a licence. Theoretically the regulatory threshold could be lifted if more taxa of wildlife were included in Schedule 5 (i.e. these could be held without a licence). Similarly, including a large number of taxa of wildlife in the schedules would create a greater range of 'options' for enthusiasts and commercial traders.

In deciding which taxa appear in the schedules, DSE considers the ease of husbandry and breeding, the risk to human health and safety, the taxonomy of the taxa and the potential for the taxa to establish as a pest in the wild if it escaped from captivity. DSE also considers how each requested change would influence take of the affected taxa from the wild against a risk profile developed for each taxa.<sup>90</sup>

90 These risk profiles were based on a combination of the conservation status of each taxa, its availability from legal sources and the potential demand for the taxa from licence holders. Taxa with a high risk profile were considered to require a higher standard of licensing requirements while those with lower risk profiles were considered to require less stringent licensing requirements.

Through consultation with WPTAC, which formed part of this RIS process, a number of requests to increase access to more native species, were made.<sup>91</sup> All nominations for additions to the schedules were assessed by DSE. Details of all the requested changes, the rules DSE applied to considering these changes and DSE's final response to each requested change are set out in **Attachment E**. DSE's final response to these changes is reflected in Option A2.

For practical purposes, there are two alternatives to this aspect of possession, trade and use of wildlife in Victoria that may be considered:

- Option A1 – remaking the current schedules (low risk); and
- Option A2 – adopt the proposed regulations, which include the additional taxa of wildlife determined through the WPTAC consultation process (slightly higher risk, greater benefits).

Option A1 would include animals that are currently held by licensees. This is a low risk alternative as the current arrangements appear to be operating effectively.

However, feedback during the preliminary consultation phase for this RIS suggested that including some additional taxa of wildlife in the schedules would not raise any major safety, biosecurity, sustainability or animal welfare risks (Option A2). If the requested changes were to be accepted under Option A2 there would be a benefit to a number of wildlife enthusiasts and traders who are currently unable to keep or trade in particular species.

DSE invites comment, and seeks feedback, concerning the wildlife taxa contained in the proposed regulations (Option A2), in particular on those taxa that are proposed to be added to the schedules. The taxa proposed to be added to the schedules, or moved to a different schedule, are as follows:

#### **Schedule 2 (Schedule 3 in the current regulations)**

- Woma Python (*Aspidites ramsayi*) (moved from Schedule 4 in current regulations to Schedule 2 in the proposed regulations)
- Plains Rat (*Pseudomys australis*) (moved from Schedule 4 in current regulations to Schedule 2 in the proposed regulations)

#### **Schedule 3B (Schedule 4B in the current regulations)**

- White Browed Woodswallow (*Artamus superciliosus*)
- Pig-nosed Turtle (*Carettochelys insulpta*)
- Short-tailed Pygmy Monitor (*Varanus brevicauda*)
- Spotted Tree Monitor (*Varanus scalaris*)
- Steindachner's Turtle (*Chelodina steindachneri*)
- Stripe-tailed Monitor (*Varanus caudolineatus*)
- Painted Turtle (Jardine River Turtle) (*Emydura subglobosa subglobosa*)
- Agile Wallaby (*Macropus agilis*)
- Eastern Quoll (*Dasyurus viverrinus*)
- Spot-tailed Quoll (*Dasyurus maculates*)
- Parma Wallaby (*Macropus parma*)

#### **Schedule 4A (Schedule 5A in the current regulations)**

- Bourke's Parrot (*Neopsephotus bourkii*) (moved from Schedule 5B in the current regulations to Schedule 4A in the proposed regulations)

#### **Schedule 4B (Schedule 5B in the current regulations)**

- Mitchell's Hopping Mouse (*Notomys mitchelli*) (moved from Schedule 3 in the current regulations to Schedule 4B in the proposed regulations), and
- Spinifex Hopping Mouse (*Notomys alexis*) (moved from Schedule 4 in the current regulations to Schedule 4B in the proposed regulations).

Overall, it can be asserted that the benefits of possessing wildlife outweigh the associated costs (at least from an individual's perspective). This is evidenced by the large number of licensees, around 12,000 that choose to possess or trade in wildlife. In making any assessment concerning the types of taxa that should be exempt or included in the Schedule a balance needs to be struck between the rights of individuals to 'enjoy' wildlife and safety, biosecurity, sustainability and animal welfare issues. Based on discussions and consultation, this RIS considers that Option A2 strikes such a balance and thus represents the preferred option.

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91 These included requests to add 44 new taxa to the schedules and requests to change the licensing status of 4 further taxa.

## Reporting requirements and thresholds

### Option B1 – Annual Reporting (proposed regulations)

The proposed regulations (Option B1) contain a number of conditions relating to the keeping of records and a number of reporting requirements. Whilst these impose administrative burdens on licence holders they are extremely important tools for monitoring compliance with the licensing system and with wildlife laws more generally.

For example, the proposed regulations require licence holders to maintain accurate and up to date record books recording all transactions involving wildlife for which a licence is required. This allows enforcement officers to audit the wildlife in the possession of licence holders and take details of persons who have bought or sold wildlife with a particular licence holder. In this way the origin of the wildlife can be traced back to when it entered the trade, most usually from a breeding event. With current technology it is possible to check the DNA of the progeny against the DNA of the alleged parents to ensure that wildlife has been not been illegally taken from the wild or to obtain evidence to prosecute offenders.

The proposed regulations also require the annual submission of returns from all licence holders. These returns allow DSE to audit all licence holders and target those holding particular priority taxa and improve the efficiency of inspections.

Record books and return forms are provided to the licence holder by DSE, the cost of which is incorporated into the fees for the licence.

There are around 12,000 licensees and approximately 80 per cent comply with the current requirement to submit an annual return. Subsequent follow up by DSE compliance officers usually results in a 90–95 per cent compliance rate. The administrative cost of the current reporting requirements to both private and commercial licensees is around \$31,695 per annum<sup>92</sup>, or approximately \$327,000 (PV) over a 10-year period (see **Attachment J** for calculations of options).

To supplement the analysis an MCA assessment was undertaken with respect to this option. This proposal involves submitting annual returns by 31 March each year. Experience has demonstrated that annual returns are an effective way of collecting information and this frequency does not cause 'compliance fatigue'. Valuable information of Victoria's captive bred and legally obtained wildlife is thus obtained. A relatively high score of 75 is therefore assigned to the effective management and monitoring of wildlife criterion. In terms of cost, annual reporting does impose reasonably significant costs in aggregate on licence holders, therefore a score of -50 is assigned to this criterion. Taken together, this results in a MCA score of **+12.5** for option B1.

**Table 7: Multi-criteria Analysis Assessment of Option B1**

Criteria	Weighting	Assigned Score	Weighted Score
Effective management and monitoring of the legal wildlife industry	50%	75	37.5
Cost	50%	-50	-25.0
<b>Total</b>	<b>100%</b>		<b>+12.5</b>

### Option B2 – Quarterly reporting

Option B2 considers reporting requirements for both private and commercial licensees that are more frequent than in the proposed regulations. This assumes that current levels of record keeping are maintained but rather than making an annual return to DSE the commercial licence holder would be required to make a quarterly return, while private licence holders would be required to submit returns twice a year. Prior to the current regulations, quarterly reporting was previously required for holders of Commercial Wildlife Licences, as was bi-annual reporting for private licence holders.

The benefit to DSE of obtaining data on a more-timely basis may be that some breaches of licence conditions may be detected at an earlier stage; however it is submitted that any such benefits are unlikely to be outweighed by an increase in administrative burden. The current audit and compliance arrangements should detect such breaches, and any increased detection occasioned by an increased reporting frequency is likely to be marginal.

This option would result in licensees incurring administrative costs of around \$126,781 per annum, or approximately \$1.3 million (PV) over a 10-year period.

To permit a comparison with alternative arrangements, an MCA assessment was undertaken. More frequent reporting would improve the timeliness of data to DSE and would assist in identifying compliance issues at an earlier stage, therefore an MCA score of 95 is assigned to the effective management and monitoring criterion. These arrangements, however, would result in an extra 11,900 returns being made to DSE per annum. Previous experience suggested that the benefits associated with more timely data were not offset by the costs associated with the administration of the extra returns. Given the large costs entailed, a score of -80 is assigned to the cost criterion. This results in a net MCA score of **+7.5**.

<sup>92</sup> For the purposes of analysis, this cost only relates to reporting costs, not other record keeping or administrative costs. For these see the costings in **Attachment I**.



**Table 8: Multi-criteria Analysis Assessment of Option B2**

Criteria	Weighting	Assigned Score	Weighted Score
Effective management and monitoring of the legal wildlife industry	50%	95	47.5
Cost	50%	-80	-40.0
<b>Total</b>	<b>100%</b>		<b>+7.5</b>

**Option B3 – Less frequent reporting (3-yearly reporting)**

Option B3 considers reporting requirements that are less frequent than in the proposed regulations. This assumes that current levels of record keeping are maintained but licence holders are only required to make a return to DSE once every three years.

The administrative cost to licensees of making triennial returns would be around \$10,564 per annum, or approximately \$109,000 (PV) over a 10-year period.

However, by decoupling the timing of making a return from the annual licence renewal process it may be expected that there would be a lower level of compliance with returns submission requirements, as it would not be possible to continue to have annual licence renewals contingent on the submission of the previous year's annual return (this potentially could also be a problem with 3 yearly licences, however, since annual reporting for these licences will be a licence condition, DSE are able to target their compliance inspections on those licence holders who were non-compliant in submitting annual returns and could cancel a licence if appropriate). The current rate of submission of returns by licensees is approximately 80 per cent.<sup>93</sup> However, before the current regulations tied annual licence renewals to the submission of the previous year's returns, the rate of submission was much lower at between 40–60 per cent.<sup>94</sup> Moreover, licensees who did not hold a licence for the full three year term would not be required to submit any returns, thus DSE would not be aware of wildlife acquisitions or disposals in such circumstances.

Related to this, there would be a significant fall in the amount of data available to DSE for compliance monitoring and enforcement and this data would not be timely. On balance this disadvantage would seem to outweigh the likely cost savings.

An MCA assessment was undertaken of Option B3. Reporting less than once year would deliver less timely data and accurate annual estimates of wildlife may not be available (i.e. there would be a mismatch between data obtained from licence holders that submit annually or every three years). This would undermine the integrity of DSE's data (as those that held animals for less than three years would never need to make a return). Therefore a score of 25 is assigned to the criterion relating to the effective management and monitoring of the wildlife industry. Alternatively, less frequent reporting would entail lower administrative costs. The cost of this option is therefore an improvement over annual reporting, and a score of -7 is assigned to this criterion. This results in an overall MCA score of **+9.0** for this option.

**Table 9: Multi-criteria Analysis Assessment of Option B3**

Criteria	Weighting	Assigned Score	Weighted Score
Effective management and monitoring of the legal wildlife industry	50%	25	12.5
Cost	50%	-7	-3.5
<b>Total</b>	<b>100%</b>		<b>+9.0</b>

**Summary of reporting options**

Annual returns are currently the primary mechanism that DSE uses to monitor wildlife licence holder compliance. If the requirement to submit returns was to be removed for private licence holders, DSE would be required to greatly increase its inspection and audit program at significant cost. Increasing the number of audits significantly is not currently feasible without a subsequent increase in licence fees.

93 DSE advise that there has been some relaxation of the return precondition to licence renewal more recently to facilitate greater use of electronic payments for licence renewals.

94 NRE (2002), *ibid*.

Option B1, the balance offered by the proposed regulations, provides a compromise between the administrative burdens imposed by record keeping and returns obligations and the benefits of such obligations in ensuring adequate compliance with the licensing regime and wildlife laws.

Removing paper-based returns, renewals and applications entirely and moving to an online only service would also simplify, streamline and improve efficiency and reduce administration costs. However, this was not considered to be a feasible option because it would discriminate against and disadvantage people who do not have access to computers and the internet.

### Licence period

Currently all licences are issued annually, with the exception of the Private Wildlife (Specimen) Licence which is issued for a three year duration.<sup>95</sup> The Act, however, permits licences to be issued for up to three years.

There are around 12,000 licences renewed annually. The administrative cost to licensees of the current arrangements is around \$120,000 per annum, or approximately \$1.1 million (PV) over a 10-year period. If licensees had the option of taking out a three-yearly licence (and assuming 25 per cent did so), administrative costs to licensees would be around \$100,000 annually, or approximately \$827,000 (PV) over a 10-year period. Therefore this option would result in an administrative saving of around \$20,000 per annum, or almost \$199,000 (PV) over a 10-year period.

A benefit of annual licensing generally is that it affords government the ability to check licensee details on a regular basis and it improves accountability. However, under the wildlife licensing regime other mechanisms are in place to ensure compliance and accountability, namely the requirement for annual returns and change of address notification requirements. Therefore the risks associated with offering multi-year licences are likely to be low.

Enabling licensees to choose whether they take out licences for longer than one year provides them with an option, and economic and financial theory suggests that 'options' have value. There would appear to be merit in offering multi-year wildlife licences. However, DSE have advised that this option would not be feasible until the online licence system is in place given that the current software system is not set up to issue three-year licences for most licence categories.<sup>96</sup>

To support this assessment an MCA exercise was undertaken. In terms of effective management and monitoring of the legal wildlife industry, option C1 (annual licences) has proven an effective regulatory tool to manage and monitor licensees. Hence a relatively high score of 75 is assigned to this criterion. A full score is not assigned because there is a level of non-compliance concerning the keeping of wildlife. In terms of cost, this option requires licensees to re-apply each year to DSE to keep wildlife. This imposes administrative costs and a score of -35 is assigned to this criterion. Taken together, this results in a net score of **+20**.

**Table 10: Multi-criteria Analysis Assessment of Option C1**

Criteria	Weighting	Assigned Score	Weighted Score
Effective management and monitoring of the legal wildlife industry	50%	75	37.50
Cost	50%	-35	-17.50
<b>Total</b>	<b>100%</b>		<b>+20.00</b>

Option C2 offers annual licensing but includes the option of taking out a multiple year licence, for example, a licence with a 3 year duration. In terms of effective management and monitoring of the wildlife industry, a score of 75 is assigned. This is the same score as for option C1 given that other existing tools in the proposed regulations ensure appropriate management of wildlife licensees. For example, the requirement to lodge annual returns with DSE as well as the requirement to notify the department of a change of address, staff member or nominated person ensures that effective regulatory mechanisms are in place to permit DSE to effectively manage and monitor wildlife keeping.

Turning to cost-effectiveness, less frequent licence application (based on previous experience it is assumed that 25 per cent of licensees will opt for multi-year licences) will result in lower administrative costs. Consequently, a score of -25 is assigned to the cost criterion. This results in a net score of **+25.00**. Thus the MCA supports the qualitative assessment above and suggests that option C2 is preferred over the current arrangements.

95 It is also possible to obtain a short term Wildlife Demonstrator Licence which is valid for three months.

96 The online licensing system is expected to be implemented in early 2014.

**Table 11: Multi-criteria Analysis Assessment of Option C2**

Criteria	Weighting	Assigned Score	Weighted Score
Effective management and monitoring of the legal wildlife industry	50%	75	37.50
Cost	50%	-25	-12.50
<b>Total</b>	<b>100%</b>		<b>+25.00</b>

**Employee register**

Option D1 considers retaining the Assistants licence. As noted above, experience has demonstrated that there is a need to manage and monitor staff of Commercial Wildlife Licence holders that are carrying out activities with or on wildlife under the authority of the licence. The question, however, arises as to the most effective regulatory tool to monitor such staff. Assistants Licences entail two types of costs: financial costs (licence fees) and administrative costs (costs associated with licence applications). These costs are currently around \$8,500 per annum (\$4,400 annually<sup>97</sup> for licence fees and around \$4,052 administrative costs).

A licence regime has demonstrated that it is an effective regulatory tool in managing and monitoring employees in the wildlife industry. Consequently a relatively high score of 75 is assigned to this criterion. Licences however require fees and annual submissions, which in turn imposes costs. Given that these costs are relatively small, a score of -10 is assigned to the cost criterion. This results in a score of **+32.5**.

**Table 12: Multi-criteria Analysis Assessment of Option D1**

Criteria	Weighting	Assigned Score	Weighted Score
Effective management and monitoring of the legal wildlife industry	50%	75	37.5
Cost	50%	-10	-5.0
<b>Total</b>	<b>100%</b>		<b>+32.5</b>

Instead of a licence, Option D2 requires that a wildlife dealer maintain an employee register and submit details when staff are hired or leave (within 14 days). Such costs are estimated in this RIS to be in the order of \$4,000 per annum (assuming that relevant businesses will make two entries per annum into the register).

An employee register will provide essentially the same information as a licensing regime and hence a score of 75 is also assigned to the management and monitoring criterion. Given that no licence fees are required under this option, it will be less costly than the current arrangements. Given the small cost, a score of -5 is assigned to the cost criterion. Thus the MCA assessment of this option results in a net score of **+35.0**.

**Table 13: Multi-criteria Analysis Assessment of Option D2**

Criteria	Weighting	Assigned Score	Weighted Score
Effective management and monitoring of the legal wildlife industry	50%	75	37.5
Cost	50%	-5	-2.5
<b>Total</b>	<b>100%</b>		<b>+35.0</b>

97 There were 177 Assistants Licences as at July 2011. The current licence fee is 2 fee units.

With respect to this option, if there was no employee register, DSE would have no means of knowing which employees are authorised by the Commercial Licence holder to undertake activities on or with wildlife in accordance with the licence. The requirement to notify DSE of changes in staff movements is only as frequent as needed, in that if a licence holder has a steady staff base with very little turnover, there would be very little burden on the licence holder to notify DSE. In addition, notification within 14 days is consistent with other requirements to notify (e.g. change of address or natural person responsible for managing a premise).

Finally, the incidence of cost of the employee register is similar to the Assistants licence, given that in practice the Commercial Wildlife Licence holder pays the fees for such licences.

### Fee design

As noted above, Victorian Government policy is that regulatory fees and user charges should *generally* be set on a full cost-recovery basis. However, if it is determined that full cost-recovery is not consistent with other policy objectives of the Government, it may not be appropriate to introduce a full cost-recovery regime. Consideration may be given to a regime of partial cost-recovery (if it can be demonstrated that a lower than full cost-recovery does not jeopardise other objectives) and/or to rely on other funding sources (e.g. general taxation) to finance the activity.

In deciding the appropriate nature of fee regimes, an assessment should be made of where the good or service sits on the public-private good continuum. At one end of the public-private good continuum are 'pure public goods', which are non-excludable and non-rivalrous, so that consumption of the good and the benefits arising from that consumption are available to the community as a whole. At the opposite end of the public-private good continuum are 'private goods', where consumption by one party conflicts with its use by another, and where benefits of consumption only accrue to the consuming party. Under these circumstances, there is a strong case for the party consuming and benefiting from the private good to pay for its provision. The provision of 'wildlife trader and user services' to wildlife traders and users clearly has private good characteristics and therefore, a strong case for 'beneficiary pays' can be made.

In terms of equity or ability to pay, around 36 per cent of wildlife licence holders are concession card holders. Therefore, consideration could be given to concessions based on the ability to pay. In this respect, the *Cost Recovery Guidelines* outline conditions when partial cost-recovery may be considered appropriate. One specific condition for partial cost-recovery is where, as a matter of judgment "concessions are deemed appropriate".<sup>98</sup> Consequently, an MCA was used to assess the preferred fee option.

Reflecting the Government's *Cost Recovery Guidelines*, the criteria used were:

- efficient – fees set at a level to promote the efficient allocation of resources;
- effective – fees set at a level to achieve the Government's policy objectives (i.e. encourage compliance, easy to understand); and
- equitable – fees set at a level to promote the sharing of costs and benefits across society.

Each criterion was assigned a weighting of one-third each reflecting their overall importance in achieving the Government's fee setting objectives (see *VCEC Guidance Note on Multi-criteria Analysis*).<sup>99</sup>

### MCA Assessment of Option E1– full cost-recovery

An MCA assessment was undertaken concerning full cost-recovery. As mentioned earlier, the *Cost Recovery Guidelines* state that general government policy is that regulatory fees and user charges should be set on a full cost-recovery basis. In this case, full costs represent the value of all the resources used or consumed to process wildlife licences and for monitoring and compliance. Full cost-recovery fulfils this Government objective. Accordingly, a score of 100 is assigned to this criterion.

In terms of 'effectiveness', if fee levels are set too high it may result in non-compliance or drive elements of the industry 'underground'. Trading wildlife or taking wildlife from its natural environment can often be difficult to monitor given the wide geographic area and different terrains involved. If fees are considered too high or unreasonable, if detection of breaches is difficult to monitor or if fees are difficult to pay then the effectiveness of the overall regulatory regime may be compromised. Consequently a score of 60 is assigned to this criterion.

Around 36 per cent of wildlife licensees in Victoria are concession card holders. Charging fees at the full cost-recovery rate for this group may cause hardship or deter some from possessing wildlife (or from complying with the proposed regulations). Therefore, a low score of 20 is assigned to the equity criterion because the fees are not based on a person's ability to pay (known as 'vertical equity'). This results in a net score of **+60.0**.

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98 DTF 2010, *ibid.*, p. 23

99 Victorian Competition and Efficiency Commission, Guidance note on Multi-criteria Analysis, [http://www.vcec.vic.gov.au/CA256EAF001C7B21/WebObj/Guidancenote-multi-criteriaanalysis-PDF/\\$File/Guidance%20note%20-%20multi-criteria%20analysis%20-%20PDF.pdf](http://www.vcec.vic.gov.au/CA256EAF001C7B21/WebObj/Guidancenote-multi-criteriaanalysis-PDF/$File/Guidance%20note%20-%20multi-criteria%20analysis%20-%20PDF.pdf) accessed 27 November 2012

**Table 14: Multi-criteria Analysis Assessment of Option E1**

Criteria	Weighting	Assigned Score	Weighted Score
Efficient	1/3	100	33.3
Effective	1/3	60	20.0
Equitable	1/3	20	6.7
<b>Total</b>			<b>+60.0</b>

**MCA Assessment of Option E2 – full cost-recovery combined with concessions**

Similarly, an MCA assessment was applied to the option of full cost-recovery for those other than concession card holders (fees for pensioners would be charged at half the full cost-recovery rate). Concessions under this option only apply to private licence holders. Since commercial licensees capture a 'private benefit' full cost-recovery should apply to them. Setting the concession level at 50 per cent of the full fee level was felt to offer a meaningful reduction in fee costs to eligible concession card holders whilst still enabling a reasonable amount of costs to be recovered.

Under this option, approximately 86 per cent of costs are recovered, thereby significantly contributing to the government's broad cost-recovery principles. Consequently, a score of 86 is assigned to this criterion.

In terms of effectiveness, it could be argued that concessions would encourage compliance. It also incorporates the notion of 'public good' provided by Wildlife Displayers, Demonstrators and Controllers (i.e. recognises positive externalities associated with educational and public safety benefit). A score of 65 is assigned to this criterion (i.e. to same score as for Option E1).

Turning to the equity criterion, setting concessions for concession card holders would target groups that are generally less well-off than the broader community. This promotes the idea of 'vertical equity' and is aimed at allowing all those in the community who wish to possess wildlife in Victoria to do so by setting fees at an affordable rate based on the person's ability to pay. Consequently, a score of 40 is assigned to the equity criterion. The overall MCA score for this option is **+63.7**, which represent the preferred approach compared with the full cost-recovery option.

**Table 15: Multi-criteria Analysis Assessment of Option E2**

Criteria	Weighting	Assigned Score	Weighted Score
Efficient	1/3	86	28.7
Effective	1/3	65	27.7
Equitable	1/3	40	13.3
<b>Total</b>			<b>+63.7</b>

The decision criteria in section 4.2.4 suggest that Option E2 (full cost-recovery with concessions) is a superior alternative, albeit marginally, compared to Option E1 (full cost-recovery). The principal reason for this result is that Option E2 satisfies the efficiency criterion by collecting the vast majority of fees at the full cost-recovery rate, while reducing barriers to wildlife possession for some of the less well-off groups in the community. However, it is acknowledged that the scoring is relatively close, which suggests that the equity arguments for wildlife licences may not be as strong as for other government services which may be considered of a more essential or compulsory nature, e.g. drivers licence, public transport, council rates.

## Fee calculation methodology

Fees were generally calculated on an activity-based 'bottom up' approach. This approach is illustrated below:

A + B + C = Proposed Fee, where:

A = T x ST. T represents the time taken to process licence applications, variations and replacements and is multiplied by an hourly staff tariff (ST). The hourly rate for processing licences is assumed at \$70.89. Time taken for each activity was multiplied by an hourly staff rate.

B The physical cost of consumables (e.g. paper, licences) was apportioned according to the number of licences issued (see Table 4, **Attachment K**). Once the proportion was determined, a per unit cost (dividing by the number of licences) of \$12.92 was obtained.

C. Other government costs such as customer service, bi-annual reporting and attendance at agricultural shows were identified by DSE. Given the indirect nature of these costs, they were distributed across all licence categories. A per unit cost of \$2.39 was obtained by these costs (see Table 5, **Attachment K**).

Therefore, the time taken for each task multiplied by the staff tariff (A) was added to a component for the physical cost of licences (B) along with other government costs (C). The calculations in (A) were based on an activity-based costing methodology (a 'bottom up approach'), whereas the costs in (B) and (C) were distributed equally between licences. This results in the proposed fees below.

## Proposed fees

Under the proposed regulations, wildlife keepers, traders and users will be required to pay a fee for a wildlife licence to DSE in Victoria (some concessions will apply). The revenue raised from these fees will be used to recover costs associated with administering and managing the licensing system and the costs of compliance and enforcement of the proposed regulations; however it is important to note that fees revenue is not retained by DSE but paid into the Consolidated Revenue Account.

**Table 16: Proposed fees for the proposed regulations**

Category	Current Annual Fee (\$) <sup>100</sup>	Proposed Annual Fee (\$)	%
<b>Private licences</b>			
Private Wildlife (Basic) Licence (proposed new Wildlife Basic Licence)	68.80	84.30	23%
Private Wildlife (Advanced) Licence (proposed new Wildlife Advanced Licence)	187.80	155.20	-17%
Dingo Licence	n.a.	155.20	n.a.
Private Wildlife (Specimen) Licence (proposed new Wildlife Specimen Licence)	10.40 <sup>101</sup>	10.60	2%
<b>Commercial Licences</b>			
Wildlife Dealer Licence Type 1 (proposed regulations combine Dealer Type 1 and 2 categories)	751.80	716.20	-5%
Wildlife Dealer Licence Type 2 (proposed regulations combine Dealer Type 1 and 2 categories)	1879.50	716.20	-62%
Wildlife Demonstrator Licence	375.90	467.40	24%

100 Expressed as an annual fee, as all licences expire on a common date those issued after July each year are issued for less than 12 months and a pro rata fee applies.

101 Cost of 12 month licence to common three year expiry date.

Category	Current Annual Fee (\$) <sup>100</sup>	Proposed Annual Fee (\$)	%
Wildlife Taxidermist Licence Type 1 (proposed regulations combine Taxidermist Type 1 and 2 categories)	250.60	509.80	103%
Wildlife Taxidermist Licence Type 2 (proposed regulations combine Taxidermist Type 1 and 2 categories)	751.80	509.80	-32%
Wildlife Controller Licence Type 1 (proposed regulations combine Controller Type 1 and 2 categories)	626.50	377.00	-40%
Wildlife Controller Licence Type 2 (proposed regulations combine Controller Type 1 and 2 categories)	125.30	377.00	201%
Wildlife Displayer Licence	814.40	642.80	-21%
Wildlife Producer Licence Type 1 (proposed new Game Bird Farmer Licence)	626.50	616.10	-2%
Wildlife Producer Licence Type 2 (proposed new Wildlife Processor Licence)	626.50	616.10	-2%
Wildlife Producer) Licence Type 3 (proposed new Wildlife Farmer Licence)	313.20	616.10	97%
<b>Other fees</b>			
Replacement licence	n.a.	12.50	–
Licence variation	25.00	25.00	0%
Additional record book	n.a.	12.50	–
Royalty	5.00	5.00	0%

The proposed fees will be set as fee units in the proposed regulations. Currently, one fee unit is equivalent to \$12.53. This means that each year under the *Monetary Units Act 2004* the fees will increase by a rate set by the Treasurer to take account of general rises in prices.

DSE estimates that the fees in Table 16 would generate approximately \$15.15 million over a 10 year period. This figure includes the discounts for eligible recipients within the meaning of the *State Concessions Act 2004*.<sup>102</sup>

As noted above, the Assistants Licence will not be included in the proposed regulations. This will result in fee savings for the industry of around \$4,400 annually, or around \$41,300 (PV) over a 10-year period.

Regulation 53 sets out the royalty payable in respect of the taking of certain birds from the wild, namely Sulphur-crested Cockatoos, Galahs, and Long-billed Corellas. It should be noted that royalties are not subject to the *Cost Recovery Guidelines* which state that their scope does not apply to “rents charged for access to Crown-owned resources”.<sup>103</sup> Taking these birds from the wild represents a small scale activity, with only about 1,400 birds captured annually. Given the marginal nature of this activity, it is proposed to reset the royalty at the current rate of \$5 per bird.

<sup>102</sup> The total value of concessions per annum is in the order of \$178,000 (of which \$29,000 consists of the ‘public good’ discount for Wildlife Displayers, Demonstrators and Controllers), which is equivalent to a cost-recovery of approximately 86 per cent of the costs.

<sup>103</sup> DTF 2010, *ibid.*, p. 2

## Reasons for fee variance

The proposed fees have been calculated in accordance with the Department of Treasury and Finance *Cost Recovery Guidelines* (Guidelines). The *Victorian Guide to Regulation* requires that fees be set in accordance with the principles contained in the Guidelines.

The current fees were calculated under previous guidelines, and largely relied on a pro-rata approach to calculating fees. While this was a common method prior to the introduction of the current guidelines, the Guidelines state that the preferred approach is to calculate fees by examining the actual cost of activities undertaken in administering the licensing system. Thus, this RIS adopts the Activity Based Costing methodology. Activity Based Costing (ABC) links an organisation's output to activities used to produce these outputs, which are in turn linked to the organisation's costs. Because it represents the most accurate way of allocating indirect costs, the Guidelines recommend that the ABC method should be adopted wherever possible.<sup>104</sup> Each licence was examined according to the tasks involved, and in a number of cases the current fee levels were not fully recovering government costs.

The previous fees also included policy development costs, which the proposed fees do not include (see p. 29 of the Guidelines). Further, hourly VPS salaries rates are increased by a factor of 1.75 to allow for labour and corporate on-costs (see *Victorian Guide to Regulation*, Section C.2.1 Valuing staff time, p. C-5) whereas the previous fees were based on an on-costs factor of 1.33.

With respect to the proposed Wildlife Farmer Licence (Wildlife Producer Type 3 Licence (emu farms) under the current regulations), fees are now set at the same level as for the proposed Game Bird Farmer Licences and Wildlife Processor Licences. The original discount resulted from an industry assistance measure in the 1990s to reduce licence fees from \$650 to \$250. Under the Order for an Emu Industry Development Committee (EIDC), emu farmers paid a once off \$300 charge to the EIDC, and fees were reduced to \$250 thereafter. Subsequently the EIDC was discontinued; however fees were retained at the lower level. The proposed fees place these licences on the same footing as the similar Game Bird Farmer and Wildlife Processor Licences.

## Streamlining of licence categories

As mentioned above, as a result of the Activity Based Costing exercise undertaken to determine the proposed fees, it emerged that the administrative effort performed to process licences was similar for a number of licence types. This suggests that the cost differential between some fee types contained in the current fee structure cannot be justified on cost-recovery grounds.

Rather than assess this option formally by way of an MCA assessment, it is submitted that the benefits of the proposed streamlining of licences include:

- greater clarity of licence requirements;
- fewer borderline disputes;
- a simpler licensing regimes;
- greater entitlements for many licence holders; and
- lower government costs.

Given that the simplified categories are largely driven by Victoria's cost-recovery arrangements few, if any, costs are associated with this option (notionally there may be some 'familiarisation' costs associated with the new licences, however DSE intend to reduce any such burdens by providing information to licensees).

DSE seeks stakeholder comments on the proposed streamlined licence categories.

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<sup>104</sup> *ibid.*, p. 31



## 5. The preferred option

### Key points:

The proposed regulations are the preferred option in comparison to the other viable options identified in this RIS.

The total quantifiable costs of the proposed regulations are in the order of \$20.5 million (PV) over a 10 year period (or around \$2 million per annum). This includes administrative costs imposed by the proposed regulations.

The proposed fees will raise approximately \$1.1 million per annum, overall representing a 17 per cent increase compared to the current fee levels.

The economic benefits associated with recreational and commercial wildlife trade and use in Victoria is in excess of \$60 million. This figure is larger by orders of magnitude than the costs imposed by the proposed regulations.

Other benefits associated with the proposed regulations include environmental and social benefits.

The direct costs associated with the proposed regulations will be borne by licensed wildlife keepers, traders and users. However, people voluntarily apply for licences and implicit in their decision-making process is that the benefit *they* derive from wildlife use outweighs the direct costs.

The proposed regulations support, and are consistent with, Victorian Government policy and the Act.

### 5.1 Preferred option

The proposed regulations will ensure the sustainable, ethical and safe use of Victoria's wildlife resources and will define and encourage responsible wildlife possession, trade and use practices and facilitate sustainable wildlife industries. Wildlife enthusiasts will benefit from continued recreational wildlife ownership opportunities and businesses that possess, trade or use wildlife will benefit from a well-managed, legal and sustainable industry. The analysis in the preceding chapters supports the proposed regulations as the preferred option compared to the viable options identified in this RIS.

#### Costs

Each of the proposed regulations was examined for the likely costs they would impose on parties impacted by the proposal. Table 17 below shows that the administrative costs over a 10-year period are approximately \$5.4 million (PV), representing an annual cost of around \$543,000. Further details of the administrative costs of the proposed regulations are set out in **Attachment I**.

**Table 17: Summary of costs imposed by the Wildlife Regulations 2013 (discounted 10-year period, assuming 5 per cent annual increase in licence numbers)**

Regulation	Type of cost	Cost (\$)
Licence application	Administration	\$1,787,864
Record keeping and reporting costs	Administration	\$3,521,366
Other regulations	Administration/Substantive compliance costs	\$122,973
Wildlife licence fees	Financial	\$15,152,018
Value of fee concessions	Financial (government cost)	\$2,412,876
	<b>Total</b>	<b>\$22,997,096</b>
	<b>Annual Cost</b>	<b>\$2,299,710</b>

The financial cost to licence holders of fees for wildlife licences over the 10-year period are in the order of \$15.1 million (PV) or around \$1.5 million per annum, while the value of government concessions over a 10-years period is around \$2.4 million (PV).

The total quantifiable costs of the proposed regulations are in the order of \$22.9 million (PV) over a 10 year period (or around \$2.3 million per annum). This includes administrative costs imposed by the proposed regulations and the cost of wildlife fees and value of government concessions.

There are also non-quantifiable costs in the proposed regulations, many of which related to conduct or behaviour. The costs associated with ensuring appropriate certain behaviours are considered minimal because the vast majority of individuals and businesses do not engage in aberrant or illegal behaviour. That is, activities such as harming animals are not 'normal' activities and would therefore not impinge upon the conduct or behaviour of the vast majority of individuals and businesses.

There were also a number of regulations that may impose regulatory costs, but owing to an absence of data or the performance-based nature of these regulations it was not possible to estimate a cost. Furthermore, for a number of these regulations the business-as-usual scenario is likely to be relevant for the vast majority of licensees, therefore any additional costs are marginal and are likely to be imposed only on a small number of licence holders. Overall, it may be reasonably asserted that any such costs are not likely to be large, however to improve transparency these regulations are noted in Table 18 below.

**Table 18: Proposed regulations difficult to quantify**

Reg <sup>n</sup>	Description	Nature of cost
20(2)(c)	Requirement specifications for a 'pit'	Substantive compliance cost; previously contained in licence conditions but included in regulations to improve enforcement; business-as-usual scenario for most licensees.
37	Marking of individual wildlife	Rarely used (two or three times in recent years). Can be used for diseased or quarantined animals.
44	Transportation label (licence holder)	No data available on the number of labels; low compliance barrier, e.g. a sticker noting details will suffice
52	Transportation label (non-licence holder)	No data available on the number of labels; low compliance barrier, e.g. a sticker noting details will suffice
63	Labelling of equipment	No data available on the number of labels; low compliance barrier.
66, 67 & 73	Use in films	Minor; two or three requests annually
33	Theft, loss and damage	Likely to be small, but data not collected from Victoria Police
65(1)(b)	Information provision wildlife buyers	DSE will provide printed material to wildlife dealers, thus direct costs to businesses will be negligible.

### **Benefits**

As noted, the base case describes a situation in which legal wildlife possession, trade and use would not exist in Victoria. The annual economic benefit of permitting recreational and commercial wildlife trade and use in Victoria as per the proposed regulations is estimated to be \$63.7 million per annum.

In addition, it is estimated that the annual economic benefit to the Australian economy of pet ownership across Australia is in the order of \$6.02 billion.<sup>105</sup> Even if only a small part of this relates to the ownership of native pets within Victoria this still represents a large benefit when compared to the base case of no permitted native pet ownership.

Given that the annual cost of the proposed regulations is in the order of \$2 million (PV) and the benefits associated with recreational and commercial wildlife trade and use in Victoria is in excess of \$60 million, it is apparent that the economic benefits associated with the proposed regulations outweigh the costs. This suggests that the regulatory costs imposed are considered to be reasonable given the value of the industry.

Aside from economic benefits, other benefits associated with the proposed regulations include environmental benefits of biodiversity conservation<sup>106</sup>, social benefits to people deriving from the psychological, physiological, educational benefits and social effects of owning wildlife as pets, educational benefits and the fostering of an appreciation of environmental values, and the social benefit of improved animal welfare outcomes.

The direct costs associated with the proposed regulations will be borne by licensed wildlife keepers, traders and users. However, people voluntarily apply for licences and implicit in their decision-making process is that the benefit *they* derive from wildlife use outweighs the direct costs.

105 ACAC 2010, *ibid.*, p. 8

106 Noting that only a part of such environmental benefit derives from the proposed regulations, the remainder derives from the Act itself and from the other Victorian legislation aimed at protecting biodiversity

The proposed regulations are broadly consistent with the objectives and actions in other jurisdictions. However, there are some state-specific variations that take the differences in conditions, geography and wildlife species into account. The proposed regulations are authorised to be made under section 87 of the Act. The proposed regulations support and are consistent with Victorian Government policy.

The qualitative assessments and quantitative costings were supplemented with an MCA assessment of the key options. These are summarised in Table 19 below. The preferred options have been included in the proposed regulations, including new multi-year licences and replacement of the Assistants licence with an employee register.

**Table 19: Summary of MCA assessment scores**

Options	Weighted Score*
<b>Option B – reporting requirements and thresholds</b>	
B1 – the proposed regulations	<b>12.50</b>
B2 – more frequent reporting	7.50
B3 – less frequent reporting	9.00
<b>Option C – licence term – duration options</b>	
C1 – annual licensing	20.00
C2 – annual or multi-year licences	<b>25.00</b>
<b>Option D – options concerning the employee register</b>	
D1 – Wildlife Assistants licence	32.50
D2 – employee register	<b>35.00</b>
<b>Option E – fee design options</b>	
E1– full cost-recovery	60.00
E2 – full cost-recovery combined with concessions	<b>63.70</b>

\* *Bold indicates preferred option.*

## 5.2 Effect of the proposed regulations

### 5.2.1 The proposed regulations

The major elements of the proposed regulations and their impacts are summarised below.

#### **Machinery provisions**

Regulations 1 to 5 are machinery provisions and have no impact.

#### **Licence entitlements/conditions/restrictions**

Regulation 6 prescribes the various licence types. Three licence category types have been combined; the Wildlife Dealer Type 1 and Type 2 licenses, the Wildlife Controller Type 1 and Type 2 licenses and the Wildlife Taxidermist Type 1 and Type 2 licenses. A number of licence categories have also been renamed to better reflect their entitlement. Regulations 7 to 18 prescribe the entitlements of each licence type.

Regulations 55, 56 and 57 specify the conditions that attach to Private Wildlife Licences. Regulations 58 to 73 specify the conditions that attach to Commercial Wildlife Licences. Some drafting changes have occurred to conditions, such as Wildlife Demonstrator Licence holders are no longer restricted to holding a maximum of 10 species of any one taxa at a time, and Game Bird Farmer Licence holders are no longer responsible for ensuring hunting activities are carried out only by licensed hunters (it is the responsibility of the hunter to ensure they are licensed. This is regulated by the Wildlife (Game) Regulations 2012.

Schedules 2 to 7 prescribe which wildlife species are subject to which level of protection and/or allowable trade, possession and use. This provides flexibility as taxa can be reviewed at any time and moved to a different Schedule depending on the circumstances applicable to each individual taxon. The purpose of each Schedule is as follows:

- *Schedule 2* – lists species that are easy to keep and have basic husbandry requirements. No venomous species are listed. Species have varied conservation status. Species may be kept by licence holders 10 years or over.
- *Schedule 3* – lists species that are difficult to keep or have advanced husbandry requirements (e.g. venomous snakes (Part B)). Species have varied conservation status. Part A species can be traded commercially, whereas Part B species can be traded privately.
- *Schedule 4* – lists species that are easy to keep and can be kept privately with no licence (but must be obtained from a legal source). These species are common in that there is a large captive population in the wildlife trade industry.
- *Schedule 5* – lists species that are exempt from the requirement to hold a licence in certain circumstances. For example, persons carrying out an activity on or with game species are exempt from certain offences under the Act.
- *Schedule 6* – lists species that may be controlled by a Wildlife Controller licence holder.
- *Schedule 7* – lists species that may be farmed by a Wildlife Farmer Licence holder.

Regulation 22 requires licence holders to include details of their licence number when advertising, while regulation 60 requires that commercial licence holders display certain information at their premises. Regulation 37 allows the Secretary to issue orders for a licence holder to mark wildlife in their possession and Regulation 39 restricts where wildlife transactions can take place.

#### ***Licence fees/royalties***

Regulation 19 prescribes the fees for licence applications, variations, renewals and replacements and Regulation 74 prescribes the royalty for the taking of certain birds from the wild. These impose a financial cost. See **Attachment K** for further details of the costs imposed.

#### ***Licence procedures and record keeping/returns requirements***

Regulation 20 prescribes how a licence application or a request for a replacement licence must be made. Regulation 21 imposes obligations on a licence holder to notify the Secretary of certain information and regulations 27 to 32 deal with record keeping and the making of information returns by licence holders. These provisions all impose administrative burdens. See **Attachment I** for further details of the costs imposed.

Regulation 23 provides that a Commercial Wildlife Licence holder must submit a register of their current employees who will be operating under the licence at the time of applying for a licence, in the implementation phase, or as employees join or leave the business.

The register will be in paper form provided by DSE to the licence holder, and will require the following information to be recorded – name, sex, contact telephone number and address of each employee, the capacity in which they are employed (i.e. permanent, contract, fulltime, part-time) and the date on which they commenced employment with the licence holder.

It is also a requirement that, as staff are employed or leave the business, the licence holder will need to notify DSE of the change in writing within 14 days.

Once the proposed electronic licensing system is developed and implemented, this register will be available to Commercial Wildlife Licence holders electronically, where they will be able to enter and submit changes to the register online. However, paper forms to submit and change a register of employees will still be offered so as to account for licence holders who do not have computer or internet access.

#### ***Other authorisations/permits and prescriptions***

Regulations 24 and 25 prescribe how an application for an s. 28A authorisation/ permit or an import/export permit must be made. Regulations 38 and 40 prescribe certain matters relating to what is a poison and where cats and dogs at large can be seized. Any impacts of these provisions are imposed by the Act itself and not by the proposed regulations.

#### ***Offences relating to wildlife and wildlife habitats***

Regulation 41 imposes prohibitions on using items to take or harass wildlife that is not game. Regulation 42, 45 and 46 impose certain prohibitions on damaging or destroying wildlife habitat, trading in wildlife that is not self-sufficient and breeding or trading in certain cross breeds.

Regulation 43 imposes standards on any cage or enclosure that is used for keeping wildlife to ensure it provides for adequate shelter, prevents the escape or injury of the animal, protects the wildlife from predators, restricts access from unauthorised persons and provides for the good health and welfare of the animal.

Regulation 44 imposes standards on containers for the transport of wildlife, ensuring that any container used to transport wildlife must be constructed to withstand the transportation, prevent escape or injury to the animal, protect against predators, resist interference and provide for the good health and well being of the animal. Containers must also be labelled with the details of the person consigning the animal, their licence number, the details of the person it is being sent to,

the common name of the animal and the number of animals in the container. The labelling ensures that the courier and transport companies can verify that the consignment of wildlife is legal, and also assists authorised officers to detect illegal consignment of wildlife on the black market.

### ***Exemptions from offences in the Act***

Regulations 47 to 54 contain exemptions to various offences in the Act and do not impose any burden. These exemptions include

#### **5.2.2 Proposed changes from the current regulations**

The differences between the current and proposed regulations are contained in **Attachment D**. The key changes contained in the proposed regulations are summarised in Box 1 on page 5. The additional burdens placed on licence holders are of a reasonably minor nature and result from:

- a new fee for the replacement of a licence;
- the elevation of the requirement to use a pit for the display/demonstration of dangerous/venomous wildlife from a licence condition to a regulation requirement. The demonstration of venomous wildlife (e.g. snakes) is a dangerous activity and the requirement to use a pit is necessary to ensure the safety of the public present at the demonstration. The regulations do not prescribe the materials the pit has to be constructed from, thereby giving the licence holder flexibility to use reasonably priced and accessible materials to construct the pit provided it meets the minimum requirements stipulated in the regulations, so as not to impose unreasonable on business holders, particularly travelling demonstrations which would require the pit to be temporary and mobile;
- a new licence to keep dingoes, which replaces the current arrangements of issuing an authorisation under s. 28A of the Act;
- a new obligation requiring the placement of licence numbers in advertising of all wildlife for sale and on Wildlife Controller's equipment. This requirement assists authorised officers in compliance operations, in detecting sales by unlicensed persons and by providing a means of identifying the licence holder responsible for the advertisement or equipment. Similar arrangements are also in place for advertisement of firearms, adult services and motor vehicles<sup>107</sup> in which licence numbers are required to be displayed. It also provides the customer with certainty that the licence holder is in fact licensed to provide the service or sell the wildlife. Without this requirement, the licence holder may be requested by the customer to provide a copy of their licence as proof of their authorisation, however the licence contains personal information (such as address) which they may not wish to disclose; and
- new notification requirements involving import/export permits and theft or loss of wildlife.

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<sup>107</sup> For example, under the Motor Car Traders Regulations 2008, r. 19(1)(a) provides that "A motor car trader, or a servant or agent of the trader, who publishes or causes to be published an advertisement or statement in relation to the trader's business of trading in motor cars must include in the advertisement or statement the letters "LMCT" followed by the licence number of the motor car trader". (emphasis added)

## 6. Assessment of competition and small business impacts

### 6.1 Competition impacts

At the Council of Australian Governments meeting in April 1995 (reaffirmed in April 2007), all Australian governments agreed to implement the National Competition Policy. As part of the *Competition Principles Agreement*, all governments, including Victoria, agreed to review legislation containing restrictions on competition under the guiding principle that legislation (including acts, enactments, ordinances or regulations) should not restrict competition unless it can be demonstrated that:

- (a) the benefits of the restriction to the community as a whole outweigh the costs; and
- (b) the objectives of the regulation can only be achieved by restricting competition.

The *Victorian Guide to Regulation* adopts these fundamental principles and states that a legislative measure is likely to have an impact on competition if any of the following questions can be answered in the affirmative:

- is the proposed measure likely to affect the market structure of the affected sector(s), i.e. will it reduce the number of participants in the market, or increase the size of incumbent firms?;
- will it be more difficult for new firms or individuals to enter the industry after the imposition of the proposed measure?;
- will the costs/benefits associated with the proposed measure affect some firms or individuals substantially more than others (e.g. small firms, part-time participants in occupations, etc)?;
- will the proposed measure restrict the ability of businesses to choose the price, quality, range or location of their products?;
- will the proposed measure lead to higher ongoing costs for new entrants that existing firms do not have to meet?; and
- is the ability or incentive to innovate or develop new products or services likely to be affected by the proposed measure?

At a high level, the proposed regulations may be considered as 'pro-competitive' and market forming. This is because the Act itself provides a general prohibition on buying, selling, acquiring, disposing, possessing, taking samples from wildlife (ss. 45 and 47). The proposed regulations form the key part of a regime that permits individuals and businesses to possess or trade in wildlife. In this sense, the proposed regulations provide a 'privilege' to licence holders. Without the proposed regulations there would be no legitimate 'market' for wildlife in Victoria.

As stated earlier, the proposed regulations will prescribe the conditions and restrictions relating to the use of certain species of wildlife in Victoria. The proposed regulations will also prescribe the licensing requirements for various classes of wildlife user. Therefore, within the broader privilege to deal in wildlife, certain restrictions are imposed. The proposed regulations specifically affect the markets for wildlife (Wildlife Dealers), wildlife produce (Game Bird Farmers, Wildlife Processors and Wildlife Farmers (emu)), wildlife control (Wildlife Controllers), wildlife parks and demonstrations (Wildlife Demonstrators and Wildlife Displayers) and taxidermy (Wildlife Taxidermists).

However, the question arises that, within this limited market, are the restrictions justified or do they impose unnecessary restriction on those wishing to participate in the market? Table 20 below contains examples of the main restriction in the proposed regulations. It will be observed that most restrictions relate to licence conditions.

**Table 20: Proposed Regulation and possible restriction**

Reg <sup>n</sup>	Description	Possible restriction
39	Wildlife to be bought and sold only at specified premises	May restrict innovation
46	Must not sell or dispose of cross-breeds	Limits market of hybrids
55	Private Wildlife Licence holders cannot sell or dispose of wildlife under certain conditions	May restrict private market
65(1)(c)	A Wildlife Dealer cannot charge a fee for the display of wildlife to the public	May restrict market opportunities
66(1)(c)	A Wildlife Demonstrator cannot sell or dispose of wildlife within 6 months of acquisition	May restrict market activities

Reg <sup>n</sup>	Description	Possible restriction
68	A holder of a Game Bird Farmer Licence, Wildlife Processor Licence and Wildlife Farmer Licence cannot undertake taxidermy	May restrict market activities
73(1)(b)	A Wildlife Taxidermist must not charge a fee for the display of wildlife to the public	May restrict market activities
65(3), 66(3), 67(3)	Wildlife Dealers, Wildlife Demonstrators and Wildlife Displayers cannot sell the products of dead wildlife other than to a taxidermist; otherwise the dead wildlife must be buried or incinerated	May restrict market opportunities

The main reason for these restrictions, which on the surface appear reasonably prescriptive, is to ensure that particular categories of licence holders only undertake activities permitted by their licence type. Another reason for these restrictions is to ensure compliance and enforcement with the Act and the proposed regulations. DSE is interested in hearing from the public concerning ways the restrictions can be eased without compromising the integrity of the system.

Fee levels may also be considered a barrier to business. The proposed fees in relation to Commercial Wildlife Licences range from \$377.00 to \$716.20, with a weighted average of about \$520. These fees are mostly calculated on the basis of full cost-recovery and are consistent with the principles set out in the *Cost Recovery Guidelines*. Annual fees in the order of \$500 for businesses with larger turnovers may not be considered significant given that it provides the licensee with a 'privilege' to engage in generally restricted activities. Nevertheless, at the margin the proposed fee levels may deter some businesses from entering the market. DSE seeks comments on the proposed fee levels, in particular concerning possible barriers to entry that the fees impose.

It is assessed that the benefits of the potential restrictions within the wildlife market outweigh the costs as they protect wild and captive populations of wildlife. The restrictions are considered necessary to ensure that wildlife trade and use is conducted in a sustainable, controlled and ethical manner.

To the extent that the proposed regulations relate to recreational, non-profit activities, such as the keeping of wildlife as a pet – around 95 per cent of wildlife licences are held for private, non-business purposes – there is no market as defined under competition policy.

Overall, the assessment of competition impacts concludes that the proposed regulations generally do not restrict competition. In the case of certain restrictions in activities a licensee may undertake, it is assessed that the restriction (to the extent that any exist) is in the public interest given the objective to ensure that wildlife is kept, traded and used in a sustainable, controlled and ethical manner.

## 6.2 Small business impacts

The *Victorian Guide to Regulation* provides a definitive guide to developing regulation in Victoria within the context of the government's vision of well-targeted, effective and appropriate regulation. In particular, it is important to examine the impact on small business<sup>108</sup> because the compliance burden often falls disproportionately on that sector of the economy.<sup>109</sup>

Around 472 wildlife licenses are currently issued to businesses. These include licenses issued to Wildlife Controllers, Wildlife Dealers, Wildlife Demonstrators, Wildlife Displayers, Wildlife Producers and Wildlife Taxidermists. Discussions with DSE suggest that Wildlife Licensees are predominantly represented by small business. The composition of wildlife businesses that are small businesses as a proportion of the total number of wildlife businesses could be expected to reflect the average composition across the State of small business as a proportion of all business, which is 96 per cent.<sup>110</sup>

Therefore, the impact of the proposed regulations will fall disproportionately on small business, but within the small business sector the impact will fall relatively equally. To that degree, while small business may incur proportionally more costs, proportionally more benefits from the proposed regulations will also accrue to them.

A number of changes in the proposed regulations should provide some administrative burden relief to small businesses. As noted earlier, a category of licence (Wildlife Assistants Licence) will be removed. This will affect around 180 current licensees and will result in administrative burden and financial cost savings (these saving will be partly offset by the new requirement to keep a register of employees). In addition, the proposed regulations contain a number of clauses that remove the need for all staff in business to obtain a wildlife licence as long as the employee is acting in accordance with the employer's licence.

Given that most businesses that hold licences are small businesses, DSE has ensured that the proposed regulations are easy to follow and businesses are able to complete applications themselves (i.e. they do not require external advice to complete applications). DSE has also had in place for a number of years a pro-forma licence application which can be downloaded from the internet or posted to an applicant. The provision of information on a standard form arguably lowers 'search costs' for small business compared to having to provide such information in a non-standard format. The DSE Customer Service Centre provides general advice regarding completion of applications and can provide applicants with a copy of a licence application.

The relatively straightforward nature of the proposed regulations makes it unlikely that small businesses will be disadvantaged in terms of lacking economies of scale and/or resources in order to comply with the requirements. Similarly, it is unlikely that any requirements will cause small business to withdraw from the industry. Finally, given that the current regulations have been in operation for 20 years practically unchanged, it is not expected that the proposed regulations will raise any implementation issues or cause any unintended consequences.

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108 The ABS defines a small business as a business employing less than 20 people. ABS Cat. 1321.0

109 Victorian Government 2007, *Small Business Regulatory Impact Assessment Manual*, Melbourne, April 2007

110 ABS Cat. 8165.0 Counts of Australian Businesses, including Entries and Exits, Jun 2003–Jun 2007, Businesses by Industry Class by Main State by Employment Size Ranges, Construction (Victoria)



## 7. Implementation and enforcement issues

### 7.1 Monitoring and enforcement

The enforcement of the proposed regulations will be principally undertaken by DSE Wildlife Compliance Officers in the Environment and Water Division of Regional Services. In addition, officers from other agencies (Victoria Police, Department of Primary Industries, and Parks Victoria) may assist with the enforcement of the proposed regulations where appropriate.

Over the ten year lifetime of the current regulations a total of 447 warnings and 723 infringement notices have been issued and 932 prosecutions made for breaches of the current regulations. As Table 21 shows, although enforcement activity fluctuates from year to year a significant number of breaches of the current regulations continue to occur.

In the 2011/12 financial year the vast majority of prosecutions (169) related to record keeping and returns failures by licence holders. Other prosecutions involved failure to keep wildlife secure (7), failure to notify of a change of address (1), selling from premises other than those on the licence (5), using poison/guns/traps to take wildlife (4) and damaging or destroying wildlife habitats (11). The highest penalty given in 2011/12 was a fine of \$5,000. Several offenders received fines at this level for offences of failing to keep wildlife secure, failing to keep records/make returns and failing to notify of a change of address.

**Table 21: Enforcement action taken under the current regulations 2002/12**

Year	Enforcement action type			Number
	Warning	Infringement	Prosecution	
2002/03	2	—	7	10
2003/04	97	12	3	112
2004/05	9	195	41	245
2005/06	9	40	49	98
2006/07	191	311	37	539
2007/08	10	37	74	121
2008/09	3	20	180	203
2009/10	54	18	189	261
2010/11	26	39	155	220
2011/12	46	51	197	294
			<b>Total</b>	<b>2,103</b>

Source: DPI, Offence Management Unit

DSE's Customer Service Centre also receives regular calls reporting potential incidents of offences under the Act and the current regulations. Table 22 below shows that the number of such calls made has remained reasonably steady over recent years.

**Table 22: Reports of wildlife offences made to the DSE Customer Service Centre**

Year	Number of reports made
2008/09	253
2009/10	242
2010/11	240
2011/12	271

Source: DSE Customer Service Centre

During the 2010/11 financial year DSE instigated 175 investigation reports into alleged breaches of the current regulations and related provisions of the Act.

The proposed regulations encourage compliance through the use of a range of penalties. While most offences incur a penalty of 20 penalty units there are lower penalties (5 penalty units) for the less serious offence of failing to notify DSE of a change of address and higher penalties (50 penalty units) for the extremely serious offences such as damaging or destroying wildlife habitat.<sup>111</sup> The appropriateness of the penalty for each infringement, and their levels, was discussed with the Infringement System Oversight Unit in the Department of Justice.

Table 23 below details the penalty for each infringement, aimed at ensuring compliance, contained in the proposed regulations.

**Table 23: Penalties in the proposed regulations**

Regulation	Description	Penalty units*
21(1)	Notification of change of natural person responsible for managing premises specified in licence – failure to notify	20
22	Advertisement to include licence number – failure to advertise	20
23(1)	Notification of the details of employees of a Commercial Wildlife Licence within 14 days of employment commencing	5
23(2)	Notification when an employee of a Commercial Wildlife Licence ceases employment	5
25(2)	Application for import and export permits – failure to notify of the outcome of the permit	20
27(2)	Record keeping – failure to maintain complete, permanent and legible entries in record book	20
27(3)	Record keeping – failure to make daily entries in record book	20
27(4)	Record keeping – failure to maintain book of demonstrations	20
28(1)	Record keeping – failure to complete accurate and legible return forms	20
28(2)	Record keeping – failure to provide return form to the Secretary at the specified time	20
28(3)	Record keeping – failure to keep accurate and legible return forms	20
29	Record keeping – failure to produce record books/return forms when requested to by authorised officer	20
31	Record keeping – failure to keep record book and return forms in safe and secure place	20

<sup>111</sup> Normally regulations may prescribe penalties not exceeding 20 penalty units. However, in 1990 the Act was amended to permit the “prescribing [of] penalties not exceeding 50 penalty units for any contravention of or failure to comply with the regulations” (s. 87(1)(aii)). This reflects the seriousness in which the legislature views certain offences against wildlife and the environment.

Regulation	Description	Penalty units*
32(1)	Record keeping – failure to return record book and copies of return forms once ceasing to hold a licence	20
32(2)	Record keeping – failure to surrender record book and return forms when directed to do so in writing	20
33(1)	Theft, loss and damage – failure to report theft to police, record theft and keep copies of police report	20
33(2)	Theft, loss and damage – failure to notify Secretary of theft or loss of wildlife	20
33(3)	Theft, loss and damage – failure to produce copy of police report when requested to by authorised officer	20
33(4)	Theft, loss and damage – failure to notify Secretary of theft, loss or damage to record book	20
33(5)	Theft, loss and damage – tampering with record book or return form	50
33(6)	Theft, loss and damage – being in possession of a record book or return form that has been tampered with	50
33(8)	Theft, loss and damage – notification in the event of the escape of any dingo	20
36	Notification of changes of name or address- failure to make required notification	5
37(3)	Marking of individual wildlife – failure to comply with a direction to mark wildlife	50
39	Wildlife to be bought, sold or disposed of only at specified premises – failure to comply with requirements	20
41(1)	Taking or harassing wildlife – taking wildlife by trap/bait/poison	50
41(2)	Taking or harassing wildlife - taking wildlife by firearm from vehicle/vessel/aircraft	50
41(3)	Taking or harassing wildlife – chasing/harassing wildlife with a vehicle/vessel/aircraft	50
41(4)	Taking or harassing wildlife – taking wildlife with a light/sound device	50
41(5)	Taking or harassing wildlife – taking wildlife with a gun/bow/other weapon	50
42(1)	Person not to damage, disturb or destroy any wildlife habitat	50
43(1)	Housing wildlife – keeping wildlife in an unsuitable cage or enclosure	50
44(1)	Transport of wildlife – transporting wildlife in an unsuitable container	50
44(2)	Transport of wildlife – failure to label container appropriately (consigner)	20
44(3)	Transport of wildlife - failure to label container appropriately (transporter)	20
45(1)	Wildlife that is not self-sufficient – buying/selling/disposing/consigning or transporting wildlife that is not self-sufficient	50
46(1)	Inter-breeding of wildlife – interbreeding different taxa that do not breed together in the wild and/or selling or disposing of cross breeds that do not occur in the wild	50
61	Employees of certain Commercial Wildlife Licences must carry a copy of the licence – failure to carry a legible copy of the employers licence.	5

\* Under the Monetary Units Amendment Act 2012 the Treasurer has set a penalty unit rate from 1 July 2012 to 30 June 2013 at \$140.84; 5 penalty units would currently be \$704.20, 20 penalty units would currently be \$2,816.80 and 50 penalty units would currently be \$7,042

The proposed regulations act as a compliance and enforcement tool for those parts of the Act that deal with the possession of, and trade in, threatened, protected and illegally caught wildlife in Victoria. The Wildlife Licensing system acts as series of checks and balances to regulate trade in captive bred wildlife, minimise the risk to wild populations through illegal take from the wild and provides the means to detect illegal take from the wild should it occur. Specific ways in which this is done include:

- information is collected in the licence application process to ensure that a wildlife licence is granted to a fit and proper person, and not to someone who has committed an offence under the Act, or under POCTA, within the past ten years;
- the various record keeping requirements that ensure a paper trail of transactions involving wildlife exists so that every individual wildlife specimen can be traced back to its birth in captivity or legal acquisition source;
- provisions enabling the Secretary to require particular specimens of wildlife to be marked which ensures this wildlife can be traced in the future; and
- the requirement on a Wildlife Dealer when buying species listed on Schedule 4 Part B (which can be held without a licence) to obtain appropriate identification from the person selling the wildlife to enable follow up to be made, if required, into the origins of the wildlife.

The requirement in the proposed regulations for licence holders to submit annual returns to DSE is an efficient means of monitoring licensees as it allows DSE to detect suspicious activity through the auditing of returns and follow up with inspections where required, rather than wasting resources on random untargeted inspections.

Finally, animal welfare performance based conditions, for example those contained in regulation 43, are based on the relevant Codes of Practice, against which compliance will be measured.

## 7.2 Transitional Issues

Given that similar regulations have been in place for 20 years DSE considers that stakeholders will largely be familiar with their legal requirements and no significant implementation issues should arise. An education program will be developed and delivered to inform the public of the new and revised regulations to ensure there is a clear understanding of the changes and to maximise voluntary compliance with the new arrangements.

To ensure a smooth transition as the proposed regulations come into effect, all of the existing licences that have been issued under the current regulations will remain valid until such time as they expire. Once they expire, they will be renewed (should the applicant wish to renew) under the proposed regulations. Any new applications for a wildlife licence will be assessed and a licence issued under the proposed regulations once they come into effect.

The same transitional rule will also apply to current dingo authorisations under the Act which are not due to expire until 30 June 2015. After their expiry, all private dingo keepers will be required to renew their authorisation via a Dingo Licence under the proposed regulations if they wish to continue keeping dingoes.

The only exception to this rule is the current Assistants Licences which will cease to exist when the proposed regulations are made. DSE already has arrangements in place to transition from the Assistants Licence regime to the new requirements where employers holding a Commercial Wildlife Licence will need to register their employees with DSE. These new arrangements will be easily implemented and are not expected to inconvenience Commercial Wildlife Licence holders or their employees.

Commercial licences issued under s. 22 of the Act can either be issued to an individual or a corporate body. All licences under the current regulations have been issued to individuals, although often the application form has recorded the name of the corporate body the individual represents. In future it may, therefore, be necessary for Commercial Wildlife Licences to be issued to corporate bodies, not to individuals. It is not envisaged that there will be any transitional issues with this, as it can be dealt with at the time of licence renewal.

By early 2014, DSE intends to move towards a system of electronic lodgement for licensing and reporting. The introduction of new licensing software will also permit DSE to issue 3-yearly licences when this system is implemented. In light of this, the administrative cost estimates in this RIS are likely to be reduced over the lifetime of the proposed regulations.

## 8. Evaluation

The *Subordinate Legislation Act 1994* revokes statutory rules following 10 years of operation. This allows the government to examine whether there is still a problem that requires intervention, and to take account of any changes or developments since the regulation was implemented. When regulations are remade, the government assesses whether the objectives of the regulations are being met, whether practical experience suggests ways in which they can be improved, or whether a different regulatory approach is warranted. Final development of the regulations is informed by public input through the RIS process.

DSE does not anticipate that the proposed regulations will require a further formal review once they are in place. This is because the proposed regulations largely remake the current regulations, which have been in operation for more than 10 years. Indeed, similar regulations have now been in place for 20 years. Most changes to the proposed regulations have either simplified arrangements or reduced regulatory burdens.

DSE is in constant dialogue with key user groups and can monitor issues through queries to the Customer Service Centre. WPTAC will also keep the proposed regulations under constant review and will provide a valuable source of information to DSE concerning the effective operation of the proposed regulations. In addition, the Victorian Government collects a considerable amount of baseline and scientific data concerning wildlife species and the natural environment is monitored by DSE field officers and through other agencies or entities.

Data and information sources used to monitor the effectiveness of the proposed regulations will include:

- transaction summaries of annual returns, including species kept under licences;
- statistics of licence numbers per category;
- prosecutions, warnings and infringement notices issued per year;
- costs of administering the licence;
- costs of monitoring and compliance;
- submissions on proposed changes to the schedules;
- benchmarking information on interstate wildlife licensing systems; and
- report statistics from the DSE Customer Service Centre.

DSE will monitor the proposed regulations closely and, should any issues arise with respect to their operation, these will be rectified.

## 9. Consultation

In developing the proposed regulations, DSE has consulted with a wide range of stakeholders through various means. A series of internal workshops were held with DSE policy, licensing, compliance and enforcement staff to identify areas within the current regulations that could be improved. DSE also requested submissions on issues with the current regulations from a range of external stakeholders, including government agencies, wildlife interest groups and organisations. These external stakeholders are listed in Table 24.

**Table 24: Stakeholders consulted in the development of proposed regulations**

<b>Government Stakeholders</b>	
<b>Victorian Government</b>	<b>Interstate Government</b>
DPI – Biosecurity Victoria	ACT, Department of the Environment, Climate Change, Energy and Water
DPI – Bureau of Animal Welfare	NSW, Department of Environment, Climate Change and Water
DPI – Game Victoria	QLD, Department of Environment and Resource Management
Parks Victoria	NT, Department of Natural Resources, Environment, The Arts and Sport
Municipal Association of Victoria	WA, Department of Environment and Conservation
Zoos Victoria	SA, Department of Environment and Natural Resources
	TAS, Department of Primary Industries, Parks Water and Environment
<b>Non-Government Stakeholders</b>	
<b>Interest Groups</b>	<b>Licence Holders</b>
RSPCA	Commercial Wildlife (Controller) Licence holders
Animals Australia	Commercial Wildlife (Dealer) Licence holders
Victoria Naturally Alliance (representing nine organisations)	Commercial Wildlife (Demonstrator) Licence holders
Birds Australia	Commercial Wildlife (Displayer) Licence holders
Australian Mammal Association	Commercial Wildlife (Producer Type 1 – game birds) Licence holders
Environment Defenders Office	Commercial Wildlife (Producer Type 2 – dead wildlife) Licence holders
Pet Industry Association of Victoria	Commercial Wildlife (Producer Type 3 – farming emus) Licence holders
Victorian Association of Amateur Herpetologists – Geelong	Commercial Wildlife (Taxidermist) Licence holders

In order to gain feedback from current private licence holders, DSE also worked closely with the WPTAC. WPTAC is comprised of representatives of the Victorian Avicultural Council (VAC), the Marsupial Society of Victoria (MSOV) and the Victorian Herpetological Society (VHS). Through the WPTAC and their subsequent networks, DSE sought and received 51 submissions for changes to the schedules. These included:

- 12 submissions relating to mammals – seven of these were approved (four on the requested schedule and three on different schedules) and five were not approved;
- 9 submissions relating to birds – two of these were supported (one on the requested schedule and one on a different schedule) and seven were not supported; and
- 29 submissions relating to reptiles and amphibians – seven were supported (all on the requested schedule) and twenty two were not supported.

Further details of the requested changes, and DSE's final decision, are contained in **Attachment E**.

More generally, comments received from consultation with staff and external stakeholders during consultation included:

- the objectives need to be reviewed and modernised in line with broader conservation and animal welfare objectives;
- definitions need to be updated and new definitions included;
- the taxon of wildlife that is exempt from the requirement for an import/export permit need to be reviewed to include game species that have been legally harvested;
- there were a number of suggested changes to improve enforcement; however many of these were outside the scope of the proposed regulations (e.g. an operational enforcement issue such as inadequate policing of licences) or were already covered by the Act (e.g. including an offence to provide false or misleading information);
- licence categories, conditions and entitlements need a review, for example:
  - need to clarify the meaning of specified premises and recreational purpose;
  - suggestion to remove the requirement on Wildlife Demonstrator Licences to only keep a maximum of 10 specimens of one taxon;
  - it is unrealistic to expect Wildlife Demonstrators to prevent wildlife from breeding when individuals of the same species are often housed together; and
  - there are public safety concerns where live venomous snakes are being used in demonstrations;
- licence holders' increased interest for privacy and security, in that they often do not want to record their residential address when entering into a transaction with another licence holder;
- there is a need to distinguish between a business that keeps and sells wildlife and a private wildlife keeper who incidentally may sell wildlife;
- the offence concerning damage to wildlife habitat includes the term 'wilfully' which causes difficulties with prosecutions; and
- there is a large administrative burden on government and licence holders to submit and process annual wildlife returns.

DSE has also gathered information relating to annual estimated expenditure by Private and Commercial Licence Holders via an on-line survey. This survey found the direct expenditure by licensees was in the order of \$63.71 million per annum (**Attachment L**).

This RIS represents another step in the consultation process and DSE welcomes comments or suggestions with respect to the proposed regulations, and ways to improve their design and application. This RIS will be available on the DSE website at [www.dse.vic.gov.au](http://www.dse.vic.gov.au) and will be advertised in the **Herald Sun** and the **Victorian Government Gazette** on the **2 April 2013**. Copies of this RIS have been forwarded to key stakeholders inviting comments.

The *Subordinate Legislation Act 1994* requires that the public be given at least 28 days to provide comments or submissions regarding the proposed regulations. To provide members of the public with appropriate time, written comments are required by no later than **5.00pm, Friday 3 May 2013**.

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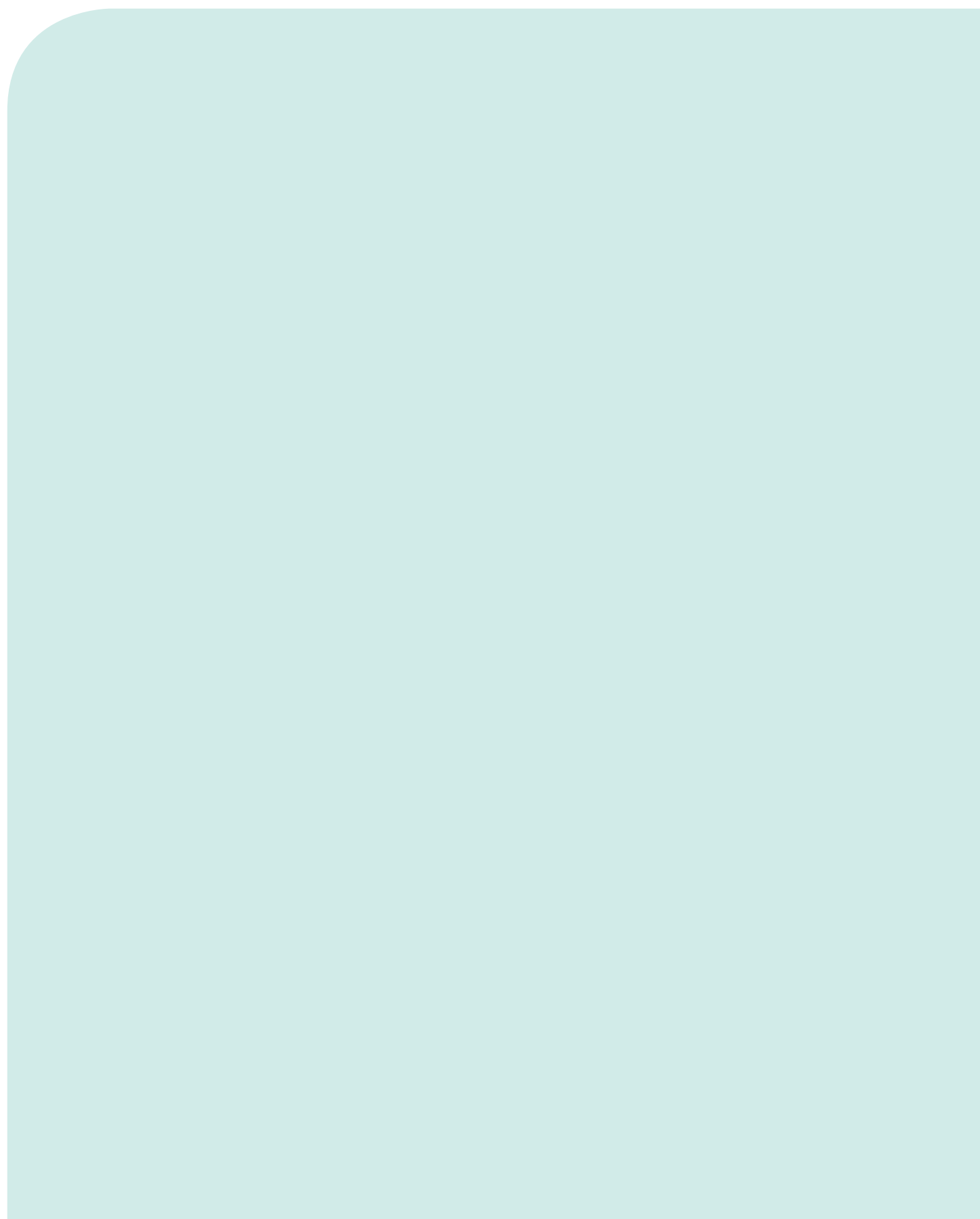
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## 11. Attachments



## The animal welfare codes of practice

**The Animal Welfare Codes of Practice under POCTA include the:**

- Code of Practice for the Welfare of Amphibians in Captivity;<sup>112</sup>
- Code of Practice for the Housing of Caged Birds;<sup>113</sup>
- Code of Practice for the Husbandry of Captive Emus;<sup>114</sup>
- Code of Practice for the Public Display of Exhibition of Animals;<sup>115</sup>
- Code of Practice for the Welfare of Film Animals;<sup>116</sup>
- Code of Practice for the Operation of Pet Shops;<sup>117</sup>
- Code of Practice for the Welfare of Animals – Private Keeping of Reptiles;<sup>118</sup> and
- Code of Practice for the Welfare of Wildlife during Rehabilitation.<sup>119</sup>

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# Summary of current licence types under the existing Wildlife Regulations 2002

## Private wildlife licences

### General

There are three Private Wildlife Licence types; Basic, Advanced and Specimen. Private Wildlife Licences are personal, non-transferable and relate to specific premises. Only one licence is allowed per premises. Private Wildlife Licence holders must be over 10 years of age.

All Basic and Advanced Licences are issued for periods of one year and have a common expiry date of 30 September each year. Specimen licences are issued for three years and expire on the common date of 30 September 2013.

Private Wildlife Licences do not permit the taking of wildlife from the wild.

### Basic and Advanced

The holder of a Basic Licence can possess, keep, breed, buy, sell and dispose of, for recreational purposes, those species of wildlife listed in Schedules 3 and 8 of the current regulations. The holder of an Advanced Licence can also possess, keep, breed, buy, sell and dispose of, for recreational purposes, those species of wildlife listed in Schedule 8 of the current regulations. A person under the age of 18 will not be able to obtain an Advanced Licence endorsed to keep venomous snakes without first being able to demonstrate their competency in the handling of venomous snakes.

Licence holders may not possess or keep more than 10 self-sufficient Emus (deemed to be a chick aged four weeks or older). Licence holders may only sell or dispose of their wildlife to another licensed person and must not do this through a shop or business premises. Licence holders must not sell or dispose of any wildlife bought or acquired that has not been in their possession for at least six months to prevent this licence type being used for commercial operations.

### Specimen

The holder can possess, keep, buy, sell and dispose of prepared or mounted specimens of dead wildlife. Licence holders must notify DSE, in writing, of any acquisition or disposal of wildlife within 14 days of the transaction occurring. Licence holders may only sell or dispose of their wildlife to another licensed person.

## Commercial wildlife licences

There are currently seven Commercial Wildlife Licence types; Wildlife Controller, Wildlife Dealer, Wildlife Demonstrator, Wildlife Displayer, Wildlife Producer, Wildlife Taxidermist and Assistants licence.

Commercial Wildlife Licences can only be issued to natural persons, are not transferable and relate to specific premises. All Commercial Wildlife Licence holders must be over 18 years of age. All Commercial Wildlife Licence applicants are subject to an inspection or interview by a DSE wildlife officer and must support their application with a National Police Check.

All Commercial Wildlife Licences are issued for one year and have a common expiry date of 30 September each year. The exception is the Wildlife Demonstrator Licence, for which a short term (three month) licence may be issued.

All holders of a Commercial Wildlife Licence, other than Wildlife Controllers, must display a sign advising the public that the wildlife on the premises is held under licence.

### Wildlife Controller

#### General

The licence holder can take from the wild, and destroy, dispose of or sell those species of wildlife listed in Schedule 7 of the current regulations which are causing demonstrated damage or which present a risk to human safety. Each licence holder may only 'control' the particular species listed on its licence and only to the extent permitted by that specific licence. The licence holder may only operate on a property, or area of land, with the consent of the land owner/occupier. The licence holder may only use the equipment specified in the licence and may not export the wildlife taken.

#### Wildlife Controller Type 1

The licence holder may:

- trap and remove 11 taxa of native birds, five taxa of native mammals, seven taxa of introduced deer and all reptiles, that are causing problems for landowners; and/or

- live trap and sell Sulphur-crested Cockatoos, Galahs and Long-billed Corellas. Such sale may only be to the holder of a Wildlife Dealer Licence, an appropriately licensed interstate wildlife dealer and/or a licence holder with an endorsement to take and sell Sulphur-crested Cockatoos, Galahs and Long-billed Corellas. A licence holder with an endorsement to take and sell Sulphur-crested Cockatoos, Galahs and Long-billed Corellas may only trap these birds and must operate on private property in an area either where they are declared to be unprotected. Before leaving the trap site the licence holder must mark each bird taken with a ring (band) attached on its left leg. These are supplied by DSE upon payment of a \$5 per bird royalty.

### **Wildlife Controller Type 2**

This licence category is available for people wishing to limit their activities to the taking, destroying or relocating of reptiles.

## **Wildlife Dealer**

### **General**

The licence holder may trade in wildlife as a business from a commercial premise suitable to the operation of the licence. All traded wildlife must come from a legal source and must remain at the premises specified in the licence, unless being treated by a veterinarian or sold. To prevent the laundering of illegally caught wildlife through Wildlife Dealers, licence holders must obtain and record details of the identification of the person selling any wildlife for which a licence is not required.

### **Wildlife Dealer Type 1**

The licence holder, or their licensed assistant, may:

- possess, keep, breed, buy, sell or dispose of those taxa of live wildlife listed in Schedules 3 and 5 of the current regulations; and
- buy Sulphur-crested Cockatoos, Galahs and Long-billed Corellas from the holder of a Wildlife Controller's Licence endorsed for birds.

Licence holders must provide details of the common name of the taxa of wildlife contained in enclosures, the category of licence that must be held by any purchaser of that wildlife and printed material outlining the requirements for maintaining the wildlife in a humane manner.

### **Wildlife Dealer Type 2**

In addition, the licence holder, or their licensed assistant, may also possess, keep, breed, buy, sell or dispose of those taxa of live wildlife listed in Schedules 4A and 8 (emus) of the current regulations. The licence holder may not trade in the eggs of any wildlife (except infertile or blown emu eggs which have been acquired from a licensed commercial emu farm) or slaughter or process emus.

## **Wildlife Demonstrator**

The licence holder, or their licensed assistant, may:

- possess, keep, breed, buy, sell or dispose of those taxa of live wildlife listed in Schedules 3, 4 or 5 of the current regulations or any other taxa specified in the licence and approved in advance in writing by the Secretary;
- demonstrate wildlife to the public in travelling, or other temporary, displays or demonstrations for the purpose of promoting an understanding of the ecology and conservation of wildlife. Such demonstrations may be conducted at any location within Victoria; and
- with the prior approval of the Secretary provide wildlife for use in films.

A full itinerary of display locations is required with the application for a short-term licence and if it is intended to display animals at several locations (for example, a travelling show) a contact name, address and telephone number is also required.

The licence holder may not:

- allow dangerous or venomous wildlife to be handled by the public without the prior written approval of the Secretary;
- possess more than a maximum total of 10 self-sufficient live specimens of any one taxon which are not self-sufficient (this includes progeny of these specimens); or
- sell or dispose of any live wildlife that has not been in the possession of the licence holder for less than six months, unless bred by the licence holder. This prevents the licence holder acting as a wildlife dealer.

The licence holder must ensure demonstrations prevent the escape of wildlife and minimise the risk of injury to persons. All licence holders, other than short term licence holders, must give at least five public demonstrations in any six month period.

The licence holder may not buy, or accept as a gift, wildlife from any person other than the holder of a current and appropriate licence or a person who is exempt from the usual licensing requirements unless the prior written approval of the Secretary has been obtained.

## Wildlife Displayer

The licence holder, or their licensed assistant, may:

- possess, keep, breed, buy, sell or dispose of and display any taxa of wildlife, that has been legally obtained and which is housed properly in the permanent or fixed facility specified in the licence;
- display their wildlife at other sites provided the welfare of the animals is not compromised and the display has a clear conservation and education theme; and
- with the prior approval of the Secretary provide wildlife for use in films.

DSE need to inspect and approve any enclosures or display facilities and need to approve any new enclosures or modifications to existing enclosures once the licence has been issued.

The licence holder may not allow dangerous or venomous wildlife to be handled by the public without the prior written approval of the Secretary.

The licence holder may not buy, or accept as a gift, wildlife from any person other than the holder of a current and appropriate licence or a person who is exempt from the usual licensing requirements unless the prior written approval of the Secretary has been obtained.

The licence holder is required to:

- open the display facility to the public for six hours per day for at least 50 days in a six month period to ensure those wishing to hold a greater taxa of wildlife than is permitted under a private licence do not misuse this licence category;
- maintain a log book with details of when the premises is open to the public; and
- ensure that the entire perimeter is fenced so as to prevent the escape of any wildlife, or the unauthorised entry of persons.

## Wildlife Producer

### Wildlife Producer Type 1 (Game Bird Farms)

The licence holder may possess, keep, breed, buy, sell, dispose of and release for hunting non-indigenous Pheasant and Partridge (all taxa), European/Japanese Quail and Californian Quail. These must have been bred in captivity or obtained from a source approved by the Secretary.

The licence application must specify the taxa of wildlife that will be released for hunting and must include a detailed plan of the premises and the designs and specifications for all enclosures. The hunting area must be at least 100 hectares, must be securely fenced so as to minimise the risk of escape of any birds and must be under the direct, and constant, supervision of the licensee, or his/her licensed assistant, at all times while hunting is taking place.

The licence holder must ensure that any person hunting wildlife on the premises is the holder of an appropriate, and current, Game Licence.

Licence holders may not prepare, mount or restore whole specimens, or parts of specimens, of dead wildlife in a manner which could be regarded as taxidermy; nor rent, hire or use any wildlife for promotional purposes other than on the premises specified in the licence.

### Wildlife Producer Type 2 (Wildlife Processors)

The licence holder may possess, keep, buy, sell, dispose of and process dead specimens of those taxa of wildlife listed in Schedule 6 (Part B) of the current regulations which have been obtained from a source approved in writing by the Secretary or those taxa of wildlife listed in Schedule 8 of the current regulations which have been obtained from the holder of a Wildlife Producer Type 3 Licence.

The licence holder is not authorised to prepare, mount or restore whole specimens, or parts of specimens, of dead wildlife in a manner which could be regarded as taxidermy; nor rent, hire or use any wildlife for promotional purposes.

Once the wildlife products have been processed purchasers of the processed products do not need a further licence.

### Wildlife Producer Type 3 (Emu Farmers)

The licence holder may:

- possess, keep, breed, buy, sell, dispose of, display, destroy and process those taxa of wildlife listed in Schedule 8 of the current regulations, which have been bred in captivity or obtained from a source approved in writing by the Secretary;
- display wildlife listed in Schedule 8 to the public at the premises specified in the licence, or at any site throughout Victoria, for the purposes of promoting conservation of or providing education about wildlife; and
- incubate and hatch emu eggs on behalf of another holder of a current Wildlife Producer Type 3 Licence.

The licence holder is restricted in who they buy from and sell to.

The licence holder must ensure that the perimeter fence is sufficiently secure to both minimise the chance of escape of any wildlife and the likelihood of entry by predators, unauthorised persons or other wildlife.

The licence holder must ensure any wildlife destroyed is destroyed in a humane manner.

## Wildlife Taxidermist

### General

Wildlife Taxidermists must only taxidermy wildlife obtained from a legal source and must keep records of wildlife in their possession so that DSE officers can ensure that the wildlife came from a legal source.

### Wildlife Taxidermist Type 1

The licence holder may possess, keep, buy, sell, dispose of and process for the purpose of preserving, preparing, mounting and restoring whole specimens, or parts thereof, of those taxa of dead wildlife listed in Schedule 6A and 6C of the current regulations (i.e. certain taxa of deer and non-indigenous game birds).

### Wildlife Taxidermist Type 2

The licence holder may possess, keep, buy, sell, dispose of and process for the purpose of preserving, preparing, mounting and restoring whole specimens, or parts thereof, of those taxa of dead wildlife listed in Schedules 3, 4, 5 and 8 of the current regulations and any other taxa of wildlife approved by the Secretary. The licence holder may also provide specimens for films. The licence holder may only acquire dead specimens of Emus from the holder of a Wildlife Producer Type 3 Licence.

## Wildlife Assistant

An Assistants Licence is currently required for all those employees of a Commercial Wildlife Licence holder who undertake licensed wildlife work. Assistants Licences are not required for work experience students. The Assistants Licence must be endorsed by the employer and is only valid whilst the employee is employed by that employer.

Assistants Licence holders are authorised to undertake any activity involving wildlife permitted under their employer's Wildlife Licence, provided they are acting on behalf of their employer.

Holders of Assistants Licences may not take wildlife from the wild.

## Summary of schedules in the existing regulations

	Private Wildlife (Basic) Licence	Private Wildlife (Advanced) Licence	Private Wildlife (Specimen) Licence	Commercial Wildlife Controller Type 1	Commercial Wildlife Controller Type 2	Commercial Wildlife Dealer Type 1	Commercial Wildlife Dealer Type 2	Commercial Wildlife Demonstrator	Commercial Wildlife Displayer	Commercial Wildlife Producer Type 1	Commercial Wildlife Producer Type 2	Commercial Wildlife Producer Type 3	Commercial Wildlife Taxidermist Type 1	Commercial Wildlife Taxidermist Type 2
<p><b>Schedule 3</b></p> <p>Species are generally easy to keep, don't represent a major safety or biosecurity risk and are available from captive sources. Licensing is required to avoid take from the wild and monitor trading.</p>	✓	✓				✓	✓	✓						✓
<p><b>Schedule 4A</b></p> <p>Specific to certain species of cockatoos that are only available from Wildlife Dealers Type 2, Advanced Private Wildlife Licence holders or interstate licence holders.</p>		✓					✓	✓						✓
<p><b>Schedule 4B</b></p> <p>Species generally have complex husbandry requirements (e.g. venomous snakes) and are only available from Advanced Private Wildlife Licence holders or interstate licence holders. Dealers not permitted to trade these species. Species are available for private use only, with the exception of Demonstrators.</p>		✓						✓						✓
<p><b>Schedule 5A</b></p> <p>Species are commonly kept by large numbers of the general public and have been kept and bred in captivity for a long period of time. Some species may be genetically distinct from wild populations. Husbandry techniques are simple and well established. No licence is required for commercial or private possession and trade. There is very little regulation of these species. They are often sold at markets.</p>														✓



	Private Wildlife (Basic) Licence	Private Wildlife (Advanced) Licence	Private Wildlife (Specimen) Licence	Commercial Wildlife Controller Type 1	Commercial Wildlife Controller Type 2	Commercial Wildlife Dealer Type 1	Commercial Wildlife Dealer Type 2	Commercial Wildlife Demonstrator	Commercial Wildlife Displayer	Commercial Wildlife Producer Type 1	Commercial Wildlife Producer Type 2	Commercial Wildlife Producer Type 3	Commercial Wildlife Taxidermist Type 1	Commercial Wildlife Taxidermist Type 2
<b>Schedule 5B</b> Species are commonly kept by large numbers of the general public. Husbandry techniques are simple and well established. A licence is required to obtain and, sell these species for commercial purposes as a safe guard against take from the wild. A licence is not required for private purposes.						✓	✓	✓						✓
<b>Schedule 6A</b> Species are non-indigenous game birds that have been bred in captivity, for the purposes of releasing for hunting. Species can also be used in taxidermy.										✓			✓	
<b>Schedule 6B</b> Includes species that are from a legal and approved source such as from interstate licence holders for processing to provide wildlife products for sale.											✓			
<b>Schedule 6C</b> Species include game species of deer for taxidermy purposes.													✓	
<b>Schedule 7</b> Species that can be taken from the wild in circumstances where the wildlife is damaging property or is a danger to persons.				✓	✓									
<b>Schedule 8</b> Emus are the only species listed on this schedule. Allows for greater regulation of emu farms compared with private licence holders who keep emus as pets.	✓	✓					✓				✓	✓		✓
<b>Any taxon</b>									✓					
<b>Specified in the licence</b>			✓											

Unscheduled species

## Summary of schedules in the proposed regulations

	Wildlife Basic Licence	Wildlife Advanced Licence	Wildlife Specimen Licence	Wildlife Controller Licence	Wildlife Dealer Licence	Wildlife Demonstrator Licence	Wildlife Displayer Licence	Game Bird Farmer Licence	Wildlife Processor Licence	Wildlife Farmer Licence	Wildlife Taxidermist Licence
<p><b>Schedule 2</b></p> <p>Species are generally easy to keep, don't represent a major safety or biosecurity risk and are available from captive sources. Licensing is required to avoid take from the wild and monitor trading.</p>	✓	✓			✓	✓					✓
<p><b>Schedule 3A</b></p> <p>Specific to certain species of cockatoos that are only available from Wildlife Dealers, Wildlife Advanced Licence holders or interstate licence holders.</p>		✓			✓	✓					✓
<p><b>Schedule 3B</b></p> <p>Species generally have complex husbandry requirements (e.g. venomous snakes) and are only available from Wildlife Advanced Licence holders or interstate licence holders. Dealers not permitted to trade these species. Species are available for private use only, with the exception of Demonstrators.</p>		✓				✓					✓
<p><b>Schedule 4A</b></p> <p>Species are commonly kept by large numbers of the general public and have been kept and bred in captivity for a long period of time. Some species may be genetically distinct from wild populations. Husbandry techniques are simple and well established. No licence is required for commercial or private possession and trade. There is very little regulation of these species. They are often sold at markets.</p>					✓	✓					✓
<p><b>Schedule 4B</b></p> <p>Species are commonly kept by large numbers of the general public. Husbandry techniques are simple and well established. A licence is required to obtain and, sell these species for commercial purposes as a safe guard against take from the wild. A licence is not required for private purposes.</p>					✓	✓					✓

	Wildlife Basic Licence	Wildlife Advanced Licence	Wildlife Specimen Licence	Wildlife Controller Licence	Wildlife Dealer Licence	Wildlife Demonstrator Licence	Wildlife Displayer Licence	Game Bird Farmer Licence	Wildlife Processor Licence	Wildlife Farmer Licence	Wildlife Taxidermist Licence
<b>Schedule 5A</b> Species are non-indigenous game birds that have been bred in captivity, for the purposes of releasing for hunting. Species can also be used in taxidermy.								✓			✓
<b>Schedule 5B</b> Includes species that are from a legal and approved source such as from interstate licence holders for processing to provide wildlife products for sale.									✓		
<b>Schedule 5C</b> Species include game species of deer for taxidermy purposes.											✓
<b>Schedule 6</b> Species that can be taken from the wild in circumstances where the wildlife is damaging property or is a danger to persons.				✓							
<b>Schedule 7</b> Emus are the only species listed on this schedule. Allows for greater regulation of emu farms compared with private licence holders who keep emus as pets.	✓	✓			✓				✓	✓	✓
<b>Any taxon</b>							✓				
<b>Specified in the licence</b>			✓								✓ Unscheduled species

*Note: Dingo Licences have not been included in this table because they are only issued for the one species and therefore are not linked to a Schedule.*

## Comparison of current and proposed wildlife regulations

Proposed Regulation	Description	Current Regulation	Change
1	Objectives	1	Minor change. Extension of previously narrow objectives more accurately reflects the scope of the proposed regulations.
2	Authorising provisions	2	Minor change. Only the main provision authorising making of regulations is now referred to.
3	Commencement date	3	The proposed regulations will commence on 24 June 2013.
4	Revocation	4	Revokes redundant regulations.
5	Definitions	5	Contains new definitions for 'commercial films', 'dangerous or venomous wildlife', 'Phillip Island Nature Park' and 'dingo'. Contains amended definitions for 'Commercial Wildlife Licences', 'exempt person' and 'take'.

Proposed Regulation	Description	Current Regulation	Change
6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18	Prescribed categories of wildlife licences for the purposes of section 22	22, 29, 30, 32, 34, 35, 38, 39, 41, 43, 45, 46, 47, 51 and 52	<p>Sets out the prescribed categories and entitlements of wildlife licences for the purposes of s.22 of the <i>Wildlife Act 1975</i>.</p> <p>All categories are largely unchanged, except:</p> <ul style="list-style-type: none"> <li>the Assistants Licence category has been phased out;</li> <li>the Private Wildlife (Basic) Licence has been renamed to a Wildlife Basic Licence;</li> <li>the Private Wildlife (Advanced Licence has been renamed to a Wildlife Advanced Licence;</li> <li>the Private Wildlife (Specimen Category) Licence has been renamed to a Wildlife Specimen Licence;</li> <li>A new Dingo Licence category has been added for the private keeping of dingoes;</li> <li>Wildlife Controller Type 1 and Wildlife Controller Type 2 licences have been combined into a Wildlife Controller Licence;</li> <li>Wildlife Dealer Type 1 and Wildlife Dealer Type 2 licences have been combined into a Wildlife Dealer Licence;</li> <li>Wildlife Producer Licence Type 1 has been renamed to a Game Bird Farmer Licence;</li> <li>Wildlife Producer Licence Type 2 has been renamed to a Wildlife Processor Licence;</li> <li>Wildlife Producer Type 3 Licence has been renamed to a Wildlife Farmer Licence; and</li> <li>Wildlife Taxidermist Type 1 and Wildlife Taxidermist Type 2 licences have been combined into a Wildlife Taxidermist Licence.</li> </ul>
19	Licence fees	56	<p>Sets out (in a table in Schedule 1) the prescribed annual fee for each licence category for the purposes of s.22(4) of the <i>Wildlife Act 1975</i>. The rates in fee units have not changed.</p> <p>There are some minor fee changes that will apply to licences issued for less than or more than a year's duration. Fees for licences granted for less than a year are now calculated pro rata the annual rate rather than having separate fee amounts apply to shorter periods. There is a methodology provided for calculating the fee for licences granted for more than a year. A discount is given for licences granted for more than 18 months.</p> <p>New provision provides a fee for a replacement licence of 1 fee unit. This was not previously stated.</p> <p>The fee for licence variations has not changed.</p> <p>A new provision specifically provides for concession card holders to receive concessional rates on licences (half of the ordinary fee). This had been occurring in practice under the previous regulations.</p>

Proposed Regulation	Description	Current Regulation	Change
20	Application for a wildlife licence	23	<p>Sets out the types of information that an applicant may need to provide when applying for a licence. Additional information may be sought regarding:</p> <ul style="list-style-type: none"> <li>the design and specification of a pit for demonstrating venomous wildlife in;</li> <li>findings of guilt under <i>the Prevention of Cruelty to Animals Act 1986</i>;</li> <li>details of a responsible person if a licence for a premise is to be issued to a corporation/body corporate;</li> <li>details of employees of the holder of a Commercial Wildlife Licence who work at the premises specified in the licence; and</li> </ul> <p>in the case of a person who applies for a Dingo Licence, evidence that the person is over 18 years of age.</p> <p>New machinery provision specifically addresses process for replacing a damaged or lost licence.</p>
21	Notification of change of natural person responsible for managing premises specified in a licence	N/A	<p>New provision.</p> <p>Where a licence holder is a corporation/body corporate requirement to notify the Secretary if the responsible person for managing licensed premises changes. Penalty of 20 penalty units for breach.</p>
22	Advertisement to include licence number	N/A	<p>New provision.</p> <p>Holder of licence must include licence number in any advertising it produces relating to wildlife for sale. Penalty of 20 penalty units for breach.</p>
23	Employees of Commercial Wildlife Licence holders	N/A	<p>New provision.</p> <p>Holders of a Commercial Wildlife Licence employing any person to work at the premises must notify the Secretary within 14 days of the details of that employee, including name, sex, address, telephone number, capacity in which the person is employed and the date on which the employment commenced. The licence holder must also notify the Secretary when a person ceases to be employed by them within 14 days. Penalty of 5 penalty units for a breach in both circumstances.</p>
24	Application for authorisation under section 28A	16	Minor drafting changes.
25	Application for import and export permits	14	<p>Minor drafting changes to application provisions.</p> <p>New requirement to notify the Secretary of outcome of import/export at expiry of an import/export permit. Penalty of 20 penalty units for breach.</p>

<b>Proposed Regulation</b>	<b>Description</b>	<b>Current Regulation</b>	<b>Change</b>
26	Location of forms	N/A	New provision. New obligation on the Secretary to make available all approved forms on the Department's website.
27, 28, 29, 30, 31, and 32	Record keeping and return form requirements	27(1)-(7) and (9)-(11)	Minor drafting changes to record keeping standards and timings to make these clearer and to allow for electronic record keeping. Removed the fee for the replacement of lost or damaged return forms, which can be easily accessed on the DSE website at no cost to DSE. New obligation on holder of a Wildlife Demonstrator Licence to maintain a bound book recording details of demonstrations. Penalty of 20 penalty units for breach. New obligation requiring return of all record books and return forms to the Secretary within 14 days of a licence ceasing to be held. Penalty of 20 penalty units for breach.
33	Theft, loss and damage	28 and 27(8) and (12)-(14)	Previously it was licence condition that any theft of wildlife be reported to the police within 48 hours. This is now in the regulations. Penalty of 20 penalty units for breach. This is a lower penalty than the 100 penalty unit penalty that would have applied under s.22 of the Act for breach of a licence condition. New obligation to report theft or loss of wildlife to the Secretary. Penalty of 20 penalty units for breach. Minor drafting change re: timing of reporting of theft/loss/damage of records. Drafting changes to provisions prohibiting tampering with record books and return forms. New offence of being in the possession of one of these items that has been tampered with. Penalty of 20 penalty units for breach. New obligation for holders of a Dingo Licence to notify the Secretary in the event of the escape of any dingo within 48 hours. Penalty of 20 penalty units for breach.
34	Electronic recording of information	N/A	Permits keeping and submission of electronic records. The Secretary may require submission of information electronically.
35	Approvals by the Secretary	N/A	Gives the Secretary power to approve forms (including any electronic data submission requirements) and sources of wildlife for the purposes of the proposed regulations.
36	Notification of changes of name or address	15	Minor drafting change.

<b>Proposed Regulation</b>	<b>Description</b>	<b>Current Regulation</b>	<b>Change</b>
37	Marking of individual wildlife	25	Minor drafting change, including the change of the subregulation referring to species listed on a Schedule, to instead allowing the Secretary to determine other reasons when he/she may direct wildlife to be marked.
38	Prescribed poisons under section 54	6	Minor drafting change.
39	Wildlife to be bought, sold or disposed of only at specified premises	26	Minor drafting change.
40	Prescribed areas of public land	7 and Schedule 2	Drafting change, land now defined by reference to other regulations not by reference to land listed in a schedule.
41	Taking or harassing wildlife	8	Minor drafting changes, including the addition of a subregulation which states that the regulation does not apply to game.
42	Person not to damage, disturb or destroy any wildlife habitat	9	Drafting changes to clarify nature of offence and to this an offence of strict liability.
43	Housing wildlife	10	Specification of cages/enclosures extended, these must now also provide adequate shelter to the wildlife kept in the cage/enclosure. Secretary's power to exempt person from requirements of this regulation extended.
44	Transport of wildlife	11	Transportation containers must now also provide for the good health and welfare of the animal.
45	Wildlife that is not self sufficient	12	Minor drafting change to when an animal is not considered self-sufficient for animal welfare purposes.
46	Inter-breeding of wildlife	13	New restriction on the permitting of taxa of wildlife to interbreed with other taxa of animal that is not wildlife (e.g. the interbreeding of a dingo with a dingo-dog hybrid). Exemption provided from this offence when prior written approval for breeding has been obtained from the Secretary.
47	Exemptions for registered veterinary practitioners from offences in the Act relating to the destruction of wildlife	17	Minor drafting changes.
48	Exemptions from offences in the Act relating to the destruction of protected wildlife	18	Minor drafting changes.



<b>Proposed Regulation</b>	<b>Description</b>	<b>Current Regulation</b>	<b>Change</b>
49	Exemptions from offences in the Act relating to protected wildlife	19	Minor drafting changes and removal of references to game hunting licences. Amendment to sub-regulation 49(1) and (3) to extend the exemption to include s45 (acquiring threatened species) of the Act as well as s47 (acquiring protected wildlife) for a person who keeps, possesses, buys, sells, acquires, received, displays or disposes of wildlife listed in Part A of Schedule 4 or infertile emu eggs.
50	Exemptions from offences in the Act for the purpose of treating sick, injured or abandoned wildlife	20 (1) and (2)	Minor drafting changes
51	Exemptions from offences relating to threatened and protected wildlife for the Zoological Parks and Gardens Board	20 (3)	Minor drafting changes.
52	Exemptions from offences relating to possessing threatened and protected wildlife for the purposes of conveying and transporting the wildlife	20 (4)	Minor drafting changes.
53	Exemptions from offences relating to possessing threatened and protected wildlife for persons possessing casts, shed or sloughed products of wildlife	20(5)	Minor drafting changes.
54	Exemptions from import and export permit requirements in the Act	21	Exemption extended to include dead game and casts, shed or sloughed products of wildlife.
55	Conditions of any Private Wildlife (Basic) Licence and any Private Wildlife (Advanced) Licence	31	Minor drafting changes, including the renaming of the licence categories to Wildlife Basic Licence, and Wildlife Advanced Licence.
56	Conditions of any Private Wildlife (Specimen) Licence	33	Minor drafting changes, including the renaming of the licence categories to Wildlife Specimen Licence.

Proposed Regulation	Description	Current Regulation	Change
57	Conditions of any Dingo Licence	N/A	<p>New provisions relating to the private keeping of dingoes, including:</p> <p>must not sell or dispose of any dingo from a shop or business premises, for commercial purposes from the premise specified in the licence or buy, acquire, sell, or dispose of any dingo from a person unless that person is the holder of a Dingo Licence, a Wildlife Displayer Licence or has obtained written approval;</p> <p>must keep dingoes at the address specified in the licence, unless for certain circumstances;</p> <p>only keep dingoes in permanent and fixed enclosures;</p> <p>ensure that dingo enclosures are constructed prior to application;</p> <p>ensure that all dingoes (including pups over seven weeks of age) are marked for identification purposes;</p> <p>ensure that when outside the premises that are physically restrained at all times and wear a collar with an identification disc;</p> <p>ensure that persons under 16 years of age are not allowed unsupervised access to dingoes;</p> <p>only the licence holder is authorised to handle dingoes, unless with the approval of the Secretary; and</p> <p>in the event of the escape, make all reasonable efforts to recapture, humanely destroy or otherwise determine the fate of the escaped dingo.</p>
58	Conditions applying to all Commercial Wildlife Licences	N/A	<p>New provision to reflect that there will no longer be a separate category of Assistants Licence. Requires all commercial licence holders to ensure their employees are aware of what activities they can undertake on behalf of the licence holder and to ensure that they are provided with a copy of the commercial licence.</p>
59	Commercial Wildlife Licence to apply to a single premise	N/A	<p>New provision stating that a Commercial Wildlife Licence can only apply to a single premise listed on the licence.</p>
60	Displaying of signs of condition of certain Commercial Wildlife Licences	54	<p>Minor drafting changes.</p>
61	Employees of certain Commercial Wildlife Licences must carry copy of licence	N/A	<p>New provision. Requires employees of holders of a Wildlife Demonstrator licence or Wildlife Controller licence to carry a copy of the licence when carrying out activities.</p> <p>Penalty of 5 penalty units for breach.</p>

Proposed Regulation	Description	Current Regulation	Change
62	Specified Premises	24	Minor drafting changes.
63	Conditions of a Wildlife Controller Licence	36	New requirement for all equipment used to be labelled with wildlife licence number.  To reflect removal of Assistants Licence category new provision is included that requires a licence holder (or the responsible person if the licence holder is not a natural person) be present whenever an employee of a licence holder takes wildlife from the wild.  Minor drafting change to combine the previous Wildlife Controller Type 1 and Wildlife Controller Type 2 licence conditions into one.
64	Condition of a Wildlife Controller Licence which authorises the taking of certain birds from the wild	37	Minor drafting changes
65	Conditions of a Wildlife Dealer Licence	40	Minor drafting changes to reflect removal of Assistants Licence category and to combine the previous Wildlife Dealer Type 1 and Wildlife Dealer Type 2 licence conditions into one. Requirement that animals be alive has been removed.
66	Conditions of a Wildlife Demonstrator Licence	45	Minor drafting changes to reflect removal of Assistants Licence category.  Removal of restriction on holding more than 10 of any one taxa of animal.  The entitlement requiring approval from the Secretary for use of animals in commercial films has now been included as a condition.
67	Conditions of a Wildlife Displayer Licence	44	The entitlement requiring approval from the Secretary for use of animals in commercial films has now been included as a condition.  Minor drafting changes to reflect removal of Assistants Licence category. Only licence holder may now handle venomous wildlife, unless with the written approval of the Secretary.
68	Conditions of a Wildlife Producer Licence Type 1, 2 and 3	48(1)(a), 49(1)(a) and 50(1)(a)	Minor drafting changes, including the renaming of the licence categories to Game Bird Farmer Licence, Wildlife Processor Licence and Wildlife Farmer Licence.
69	Conditions of any Wildlife Producer Licence Type 1 and 2	48(1)(b), 49(1)(b) and 50(1)(b)	Minor drafting changes, including the renaming of the licence categories to Game Bird Farmer Licence and Wildlife Processor Licence.
70	Conditions of any Wildlife Producer Licence Type 1	48(1)(c)-(g) and 48(2)	Minor drafting changes to reflect removal of Assistants Licence category and the renaming of the licence category to Game Bird Farmer Licence.  Removal of provisions relating to the activity of hunting, as these are regulated under the Wildlife (Game) Regulations 2012.

Proposed Regulation	Description	Current Regulation	Change
71	Conditions of any Wildlife Producer Licence Type 2	49(1) (c)-(g) and 48(2)	Minor drafting changes to reflect removal of Assistants Licence category and the renaming of the licence category to Wildlife Processor Licence.
72	Conditions of any Wildlife Producer Licence Type 3	48(1) (c)-(g) and 48(2)	<p>Minor drafting changes to reflect removal of Assistants Licence category and the renaming of the licence category to Wildlife Farmer Licence.</p> <p>New requirement that if the licence holder is a corporation/body corporate that the responsible person be present when the destruction or processing of wildlife takes place.</p> <p>Removal of provisions relating to number of animals in enclosures and stocking densities.</p>
73	Conditions of any Wildlife Taxidermist Licence	53	Minor drafting changes to reflect removal of Assistants Licence category and the combining of the licence categories to a Wildlife Taxidermist Licence. The entitlement requiring approval from the Secretary for use of animals in commercial films has now been included as a condition.
74	Royalties	57	All birds now have a royalty attached of \$5. Sulphur Crested Cockatoos were previously exempt.

## Requested changes to the schedules of the proposed regulations

Table outlining requested changes to schedules of the Wildlife Regulations 2013:

Common Name	Species Name	Current Schedule	Requested Schedule	New Schedule*
<b>Mammals</b>				
Agile Wallaby	<i>Macropus agilis</i>	Not listed	Schedule 3	List - Schedule 4B
All native rodents	-		Schedule 5	Change not supported
Bilby	<i>Macrotis lagotis</i>	Not listed	Not specified – private participation in captive breeding programs	Change not supported
Bridled Nail-tail Wallaby	<i>Onycogalea fraenata</i>	Not listed	Not specified - private participation in captive breeding programs	Change not supported
Brush-tailed Rock Wallaby	<i>Petrogale penicillata</i>	Not listed	Schedule 3	Change not supported
Eastern Quoll	<i>Dasyurus viverrinus</i>	Not listed	Schedule 4	List - Schedule 4B
Greater Stick-nest Rat	<i>Leporillus conditor</i>	Not listed	Not specified - private participation in captive breeding programs	Change not supported
Mitchell's Hopping Mouse	<i>Notomys mitchelli</i>	Schedule 3	Schedule 5	Move to Schedule 5B
Parma Wallaby	<i>Macropus parma</i>	Not listed	Schedule 3	List - Schedule 4B
Plains Rat	<i>Pseudomys australis</i>	Schedule 4	Schedule 5	Move to Schedule 3
Spinifex Hopping Mouse	<i>Notomys alexis</i>	Schedule 4	Schedule 5	Move to Schedule 5B
Spot-tailed Quoll	<i>Dasyurus maculatus</i>	Not listed	Schedule 4	List – Schedule 4B

Birds				
Bourke's Parrot	<i>Neopsephotus bourkii</i>	Schedule 5B	Schedule 5A	Move to Schedule 5A
Dusky Woodswallow	<i>Artamus cyanopterus</i>	Not listed	Schedule 3	Change not supported
Glossy Black Cockatoo	<i>Calyptorhynchus lathamii</i>	Not listed	Schedule 3	Change not supported
Inland Dotteral	<i>Peltohyas australis</i>	Not listed	Schedule 3	Change not supported
Noisy Pitta	<i>Pitta versicolor</i>	Not listed	Schedule 3	Change not supported
Red Capped Robin	<i>Petroica goodenovii</i>	Not listed	Schedule 3	Change not supported
Sacred Kingfisher	<i>Todiramphus sanctus</i>	Not listed	Schedule 3	Change not supported
White Browed Woodswallow	<i>Artamus superciliosus</i>	Not listed	Schedule 3	List – Schedule 4B
Yellow-tailed Black Cockatoo (nominated/ large race)	<i>Calyptorhynchus funereus funereus</i>	Schedule 4A	Schedule 4A	List all sub-species on Schedule 4A
Yellow-tailed Black Cockatoo (small race)	<i>Calyptorhynchus funereus xanthanotus</i>	Schedule 4A	Schedule 4A	List all sub-species on Schedule 4A
Yellow-tailed Black Cockatoo (small race)	<i>Calyptorhynchus funereus whiteae</i>	Schedule 4A	Schedule 4A	List all sub-species on Schedule 4A
Major Mitchell's Cockatoo (eastern)	<i>Cacatua leadbeateri leadbeateri</i>	Schedule 4A	Schedule 4A	List all sub-species on Schedule 4A Name change – scientific and common
Major Mitchell's Cockatoo (western)	<i>Cacatua leadbeateri mollis</i>	Schedule 4A	Schedule 4A	List all sub-species on Schedule 4A Name change – scientific and common
Regent Parrot (WA)	<i>Polytelis anthopeplus anthopeplus</i>	Schedule 3	Schedule 3	List all sub-species on Schedule 3
Regent Parrot (SE)	<i>Polytelis anthopeplus monarchoides</i>	Schedule 3	Schedule 3	List all sub-species on Schedule 3
Naretha Blue-bonnet Parrot	<i>Northiella haematogaster narethae</i>	Schedule 4A	Schedule 3	Change not supported
Long-billed Black-Cockatoo	<i>Calyptorhynchus baudinii</i>	Schedule 4A	Schedule 4A	Remain on Schedule 4A Name change
Short-billed Black-Cockatoo	<i>Calyptorhynchus latirostris</i>	Schedule 4A	Schedule 4A	Remain on Schedule 4A Name change

<b>Reptiles and Amphibians</b>				
Pig-nosed Turtle	<i>Carettochelys insculpta</i>	Not listed	Schedule 4	List – Schedule 4B
Steindachner's Turtle	<i>Chelodina steindachneri</i>	Not listed	Schedule 4B	List – Schedule 4B
Painted Turtle / Jardine River Turtle / Worrell's Turtle	<i>Emydura subglobosa</i> ( <i>E. s. subglobosa</i> and <i>E. s. worrelli</i> )	Not listed	Schedule 3	List E. subglobosa subglobosa ssp – Schedule 4B Listing of E. subglobosa worrelli ssp not supported
Chameleon Gecko	<i>Carphodactylus laevis</i>	Not listed	Schedule 3 or 4	Change not supported
Banded Knob-tailed Gecko	<i>Nephrurus wheeleri</i>	Not listed	Schedule 3 or 4B	Change not supported
Fringe-toed Velvet Gecko	<i>Oedura filicipoda</i>	Not listed	Schedule 3	Change not supported
Northern Leaf-tailed Gecko	<i>Saltuarius cornutus</i>	Not listed	Schedule 4B	Change not supported
Mainland She-oak Skink	<i>Cyclodomorphus michaeli</i>	Not listed	Advanced	Change not supported
Pygmy Spiny-tailed Skink	<i>Egernia depressa</i>	Not listed	Schedule 4B	Change not supported
Nobbi Dragon	<i>Amphibolurus nobbi</i>	Not listed	Advanced	Change not supported
Tommy Roundhead	<i>Diporiphora australis</i>	Not listed	Advanced	Change not supported
Canegrass Dragon	<i>Diporiphora winneckeii</i>	Not listed	Advanced	Change not supported
Mountain (Heath) Dragon	<i>Rankinia diemensis</i>	Not listed	Advanced	Change not supported
Short-tailed Pygmy Monitor	<i>Varanus brevicauda</i>	Not listed	Advanced	List - Schedule 4B
Black-spotted Spiny-tailed Monitor	<i>Varanus baritji</i>	Not listed	Advanced	Change not supported
Stripe-tailed Monitor	<i>Varanus caudolineatus</i>	Not listed	Advanced	List – Schedule 4B
Kimberley Rock Monitor	<i>Varanus glauerti</i>	Not listed	Schedule 4B / Advanced	Change not supported
Black-palmed (Rock) Monitor	<i>Varanus glebopalma</i>	Not listed	Schedule 4B / Advanced	Change not supported
Long-tailed Rock Monitor	<i>Varanus kingorum</i>	Not listed	Advanced	Change not supported
Mitchell's Water Monitor	<i>Varanus mitchelli</i>	Not listed	Schedule 3 / Advanced	Change not supported

Yellow-spotted Monitor	<i>Varanus panoptes</i>	Not listed	Schedule 4B	Change not supported
Pilbara Rock Monitor	<i>Varanus pilbarensis</i>	Not listed	Advanced	Change not supported
Northern Ridge-tailed Monitor	<i>Varanus primordius</i>	Not listed	Advanced	Change not supported
Spotted Tree Monitor	<i>Varanus scalaris</i>	Not listed	Schedule 4B / Advanced	List – Schedule 4B
Rusty Monitor	<i>Varanus semiremex</i>	Not listed	Advanced	Change not supported
Woma (Python)	<i>Aspidites ramsayi</i>	Schedule 4	Schedule 3	Move to Schedule 3
(Australian) Bockadam	<i>Cerberus australis</i>	Not listed	Schedule 4	Change not supported
Macleay's Water Snake	<i>Enydrys polylepis</i>	Not listed	Schedule 4	Change not supported
Broad-headed Snake	<i>Halocephalus bungaroides</i>	Not listed	Schedule 4	Change not supported
Carpet or Diamond Python, including:	<i>Morelia spilota</i> , including:	Schedule 3	Schedule 3	List all sub-species on Schedule 3
Diamond Python	<i>Morelia spilota spilota</i>			
Centralian Carpet Python	<i>Morelia spilota chenei</i>			
Top End Carpet Python	<i>Morelia spilota imbricate</i>			
Eastern Carpet Python	<i>Morelia spilota mcdowelli</i>			
Jungle Carpet Python	<i>Morelia spilota metcalfei</i>			
Murray Darling Carpet Python	<i>Morelia spilota variegata</i>			
Western Carpet Python				

**\*Note:** Schedule references are based on the current Wildlife Regulations 2002. In the proposed regulations, Schedule 3 is proposed to be Schedule 2, Schedule 4 is proposed to be Schedule 3 and Schedule 5 is proposed to be Schedule 4.

### The Assessment Process

The Wildlife Possession and Trade Advisory Committee (WPTAC) were given opportunity to submit requests for changes to the schedules in the proposed regulations. WPTAC members were asked to complete a form for each taxon request that included:

- an assessment of the potential risk to human health and safety
- the numbers of specimens in captivity Australia wide
- an assessment of the species' pest potential in Victoria
- the conservation status of the species
- potential impact on Victorian taxa if the species escapes from captivity
- details of husbandry requirements.

DSE conducted an initial evaluation of each submission. This was done through a series of expert workshops to assess submissions and form a preliminary response for each. The assessment was based on a 3 step 'risk profile' of how each requested change would influence take from the wild. This is considered the primary concern with each schedule change and was assessed using three factors: the conservation status of the species, its availability from legal captive sources (i.e. numbers in captivity) and the potential demand from licence holders.



Where the risk of take from the wild is high, stringent licensing requirements were considered appropriate (e.g. the species is to remain off schedule or require a Private Wildlife (Advanced) Licence for private possession and trade). Where the risk profile is low, less stringent licensing requirements were considered appropriate (e.g. require a Private Wildlife (Basic) Licence or no licence required).

The Department also considered several other factors when assessing each request. These included:

DSE applied the following general principles in the decision making process:

- if a taxon was not available from captive sources in Australia then it was not considered appropriate for addition to the schedules;
- any new addition to the schedules that were accepted should automatically enter at the most stringent licensing level (Schedule 3B in the proposed regulations);
- species which require complex husbandry skills and/or equipment should always be listed on at the most stringent licensing level (Schedule 3B in the proposed regulations); and
- taxa should only be considered for listing at the least stringent level of protection (Schedules 4A or 4B in the proposed regulations) if the species was commonly kept by large numbers of people, had been kept and bred in captivity for a long period of time and if the husbandry techniques were simple and well established.

The Department provided WPTAC with the preliminary response to public submissions, and offered WPTAC opportunity to respond through gathering more information and providing their own recommendation for each submission. After this period, a second round of expert workshops were held to reassess submission information. Secondary responses were then provided to WPTAC who had a another opportunity to comment. DSE then made a final decision on each proposed schedule change.

# Comparison of wildlife licence/permit arrangements of Australian States and territories

Key wildlife legislation in each Australian jurisdiction (as at July 2012)

	VIC	ACT	NSW	NT	QLD	SA	TAS	WA
<b>Primary legislation</b>	Wildlife Act 1975	Nature Conservation Act 1980	National Parks and Wildlife Act 1974	Territory Parks and Wildlife Conservation Act 2006	Nature Conservation Act 1992	National Parks and Wildlife Act 1972	Nature Conservation Act 2002	Wildlife Conservation Act 1950
	Wildlife Regulations 2002	Nature Conservation Regulation 1982	National Parks and Wildlife Regulations 2002	Territory Parks and Wildlife Conservation Regulations 2010	Nature Conservation (Administration) Regulation 2006	National Parks and Wildlife (Amendment of Schedules 7, 8 and 9 of Act) Regulations 2008	Wildlife (General) Regulations 2010	Wildlife Conservation Regulations 1970
	Wildlife (Marine Mammal) Regulations 2009				Nature Conservation (Forest Reserves) Regulation 2000	National Parks and Wildlife (Flinders Ranges National Park) Regulations 2011	Wildlife (Exhibited Animals) Regulations 2010	Wildlife Conservation (Reptiles and Amphibians) Regulations 2002
	Wildlife (Game) Regulations 2001				Nature Conservation (Protected Areas Management) Regulation 2006	National Parks and Wildlife (Hunting) Regulations 2011	Wildlife (Deer Farming) Regulations 2010	
	Wildlife (State Game Reserve) Regulations 2004				Nature Conservation (Protected Areas) Regulation 1994	National Parks and Wildlife (Protected Animals – Marine Mammals) Regulations 2010		
	Wildlife (Tour Operators Licence Fees) Regulations 2011				Nature Conservation (Wildlife Management) Regulation 2006	National Parks and Wildlife (Wildlife) Regulations 2001		
					Nature Conservation (Wildlife) Regulation 2006			

Comparisons of wildlife licence fees in current regulations with wildlife licence/permit fees in other Australian jurisdictions

Licence category in proposed regulations	VIC	ACT	NSW	NT	QLD	SA	TAS	WA
<b>Commercial licences</b>								
Wildlife Controller Licence Type 1	\$611.00	\$220.65		\$0 – possums & birds		\$0 – possums \$75.50 – birds	\$22 – possums \$56 – wallabies	\$0 – possums \$150 – birds \$60 – kangaroo
Wildlife Controller Licence Type 2	\$122.20		\$30.00	\$0.00		\$0.00 <sup>1</sup>	\$0.00	\$0.00 <sup>1</sup>
Wildlife Dealer Licence Type 1	\$733.20	\$6.81 \$20.65 <10 animals \$36.05 (10 to 100 animals)	\$800.00 – birds only		\$543 – birds or reptiles or dead animals \$671 – birds & reptiles 1 or 3yr options	\$930.00 1, 3 or 5yr options \$190 fee for additional premises (1yr)	\$0.00	\$160 – herp. Cat. 3 <sup>2</sup> \$400 – herp. Cat. 4 <sup>2</sup> 1, 2 or 3yr options \$1000 – herp. farmers \$1000 – herp. Takers \$50 pet shop basic \$100 pet shop advanced
Wildlife Dealer Licence Type 2	\$1833.00	\$220.65 >100 animals				\$1333.00 1, 3 or 5yr options \$190 fee for additional premises (1yr)		\$1200 herp. Cat. 5 <sup>2</sup> 1, 2 or 3yr options \$200 pet shop specialist
Wildlife Demonstrator Licence	\$366.60	\$228.90			\$0.00	\$70.00	\$70 – general \$24 – herp.	\$50 per class of animal, to max of \$100

Licence category in proposed regulations	VIC	ACT	NSW	NT	QLD	SA	TAS	WA
Wildlife Displayer Licence	\$794.30				\$4743.00			
Wildlife Producer Licence Type 1 <sup>3</sup>	\$611.00							
Wildlife Producer Licence Type 2 <sup>3</sup>	\$611.00							
Wildlife Producer Licence Type 3	\$305.50				\$421.80 3yr option	\$407.00 1, 2 and 3yr options \$164 fee for additional premises (1yr)		\$25 (as \$250 fee waived with only few producers left)
Wildlife Taxidermist Licence Type 1 <sup>3</sup>	\$244.40							
Wildlife Taxidermist Licence Type 2	\$733.20		\$30.00					

## Private licences

Private Wildlife (Advanced) Licence	\$183.20	\$7.04 5yr licence is \$35.20	\$60.00 2yr licence is \$120 Fee charged per class of fauna kept with 7 advanced classes 1, 2 or 3yr options, and pensioner discounts	\$0.00 No fees for 3 herp. categories	\$192.40 fee for restricted sp. \$14.25 for international sp.	\$108 specialist keep and sell 1, 2 and 3yr options \$0 specialist keep rescued animals	\$0.00 (also covers snake catchers)	\$20 – birds \$30 – declared birds \$40 – herp. Cat 3 \$100 – herp. Cat 4 \$300 – herp. Cat 5
Private Wildlife (Basic) Licence	\$67.10	\$7.04 5yr licence is \$35.20 >20 animals \$2.76 5yr licence is \$13.80 non-commercial	\$31.50 2yr licence is \$63 Fee charged per class of fauna kept with 4 basic classes 1, 2 or 3yr options, and pensioner discounts \$10 2yr licence is \$50 for single companion animal Pensioner discount	\$0.00	\$12.81 5 yr licence is \$64.05 recreational \$21.35 3yr licence is \$64.05 protected wildlife	\$108 basic keep and sell 1, 2 and 3yr options \$0 basic keep rescued animals	\$0.00	\$10 – birds \$20 – herp. Cat. 2 1,2 and 3yr options
Private Wildlife (Specimen) Licence	\$18.30		\$6 – specimen 5yr permit is \$30 \$6 – emu eggs 5yr permit is \$30		\$12.81 5yr collection authority is \$64.05	\$31.75 to keep and sell eggs 1, 2 and 3yr options \$0 to just keep eggs	\$0.00	\$0.00

### Other permits

Import/ Export permit	\$0.00	\$36.00 for commercial purposes \$0 for non-commercial	\$30.00	\$0.00	\$13.40 per animal \$3.05 admin fee per permit	\$0 – import \$14 – export, or \$2.80 per animal to max of \$14	\$0.00 for private consignments \$20 fee for commercial consignments of birds
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### Other costs

Miscellaneous administrative costs	\$195.55 fee for late renewal	\$6.85 20 page record book \$16.90 50 page record book \$14.25 amendments					
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Royalty	\$5 per bird					\$287 – endangered sp \$141 – vulnerable sp \$70.50 – rare sp \$35.25 – any other sp	\$30 reptiles
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- 1 In SA and WA, must also hold relevant specialist permit/licence, for which there is a fee (\$108 – SA, \$40 to \$300 – WA depending on herpetology category)
- 2 In WA, must also hold Wildlife Conservation Regulation 1970 Regulation 13 Licence – fee \$100
- 3 No equivalent permit or licence in other jurisdictions

#### Notes:

- a. Fees are for a one year period, or per unit as indicated.
- b. Blank cell indicates no equivalent interstate wildlife licence or permit.
- c. \$0 cell indicates there is an equivalent wildlife licence or permit but no fee is charged.
- d. Western Australia and Tasmania are considering a review of their wildlife licences and permits and adopting a cost-recovery model.
- e. The Northern Territory does not charge any fees for any wildlife licences and permits.
- f. Queensland has a complicated system and fees are expensive in comparison, with several other administrative costs passed on to applicants.
- g. South Australia and New South Wales have comparable system of licences and fees to Victoria.

## Assumptions

### Cost calculations

1. Annual costs are discounted by 3.5 per cent as suggested in the *Victorian Guide to Regulation*, Appendix C, 'Choice of discount rate', p. 19.
2. As a proxy for valuing an hour of a licence applicant's time, the following formula is given:

$HRx = (AEx/AWx \times AHx)$ , where:

AEx = average weekly earnings multiplied by 52;

AWx = number of weeks worked per annum (44 weeks);

AHx = average weekly hours for full time workers (41 hours)

See *Victorian Guide to Regulation* (Appendix C, 'Valuing staff time', p. 15). Labour on-costs and overhead costs are excluded from the calculation of recreational area visitor's valuation of time. This provides an hourly value of a person's time of **\$39.24** (i.e.  $\$1,361.60 \times 52$  divided by  $(44 \times 41)$ ). In the case of businesses, labour on-costs are included. The \$39.24 figure is grossed-up by a factor of 1.75 to take account of these costs (Appendix C, 'Valuing staff time', p. 14). This provides an hourly rate for businesses of **\$68.68**.

3. It is assumed that new licensees represent 10 per cent of the numbers of licensees in a licence category annually (i.e. licences have a 'churn rate' of 10 per cent).
4. The actual population of Wildlife Licensees is 11,990 as at 11 July 2012. The population number of 9,450 returns used in the calculation of administrative costs assumes a compliance rate of 80 per cent (as advised by DSE).
5. Given the ongoing interest in wildlife, this RIS assumes that licence numbers will grow annually by 5 per cent (compound). Therefore, starting with approximately 12,000 licences in 10 years' time this RIS assumes that there will be approximately 19,500 licences, representing a growth over the life of the regulations of about 63 per cent  $[(1 + 5\%)^{10} = 1.6288]$ .

### Fee calculations

6. The Victorian Public Service (VPS) tariff (hourly rate) selected to calculate the fees is **\$70.89**. This is based on the mid-salaries of a VPS3 (3.2.5 – \$67,073) and VPS4 (4.1.1 – \$68,388). This provides an hourly rate of \$40.51. This figure is grossed up to allow for labour and corporate on-costs using a factor of 1.75 (see *Victorian Guide to Regulation*, Section C.2.1 Valuing staff time, p. C-5). The VPS salary rates are effective from 1 July 2012.

## Summary of total costs – a) 5 per cent annual licence growth

Discounted 10-year period, assuming 5 per cent annual increase in licence numbers

Summary of Costs Imposed by the Wildlife Regulations 2013 (Discounted 10-Year Period)		
Regulation	Type of Cost	Cost (\$)
Licence applications	Administrative	\$1,787,864
Record keeping and reporting costs	Administrative	\$3,521,366
Other - Regulations	Administrative/Substantive compliance costs	\$122,973
Wildlife Licence Fees	Financial	\$15,152,018
Value of fee concessions (cost to government)	Financial	\$2,412,876
	<b>Total</b>	<b>\$22,997,096</b>
	<b>Annual Cost</b>	<b>\$2,299,710</b>



## Administrative cost calculations for Wildlife Regulations 2013 (based on current licence category data)

Costs imposed by the proposed Wildlife Regulations 2013						
Licences and permits	Price	Quantity	Frequency	Tariff (NPC) <sup>4</sup>	Cost (\$)	
<b>Regulation 6 Prescribed categories of wildlife licences; Regulation 20 applications</b>						
Private Wildlife (Basic) Licence	\$39.24	9,665	1.0		94,814	
Private Wildlife (Advanced) Licence	\$39.24	1,629	1.0		15,980	
Private Wildlife (Dingo) Licence	\$39.24	70	1.0		687	
Private Wildlife (Specimen Category) Licence	\$39.24	107	0.3		315	
Commercial Wildlife (Wildlife Dealer) Licence Type 1	\$68.68	87	1.0	\$3.40	1,995	
Commercial Wildlife (Wildlife Dealer) Licence Type 2	\$68.68	3	1.0	\$3.40	72	
Commercial Wildlife (Wildlife Demonstrator) Licence	\$68.68	39	1.0	\$3.40	896	
Commercial Wildlife (Wildlife Taxidermist) Licence Type 1	\$68.68	23	1.0	\$3.40	530	
Commercial Wildlife (Wildlife Taxidermist) Licence Type 2	\$68.68	10	1.0	\$3.40	232	
Commercial Wildlife (Wildlife Controller) Licence Type 1	\$68.68	42	1.0	\$3.40	965	
Commercial Wildlife (Wildlife Controller) Licence Type 2	\$68.68	127	1.0	\$3.40	2,911	
Commercial Wildlife (Wildlife Displayer) Licence	\$68.68	45	1.0	\$3.40	1,034	
Commercial Wildlife (Wildlife Producer) Licence Type 1	\$68.68	7	1.0	\$3.40	164	
Commercial Wildlife (Wildlife Producer) Licence Type 2	\$68.68	4	1.0	\$3.40	95	
Commercial Wildlife (Wildlife Producer) Licence Type 3	\$68.68	19	1.0	\$3.40	438	
Management Plan (for Commercial Licences)	\$68.68	76	1.0		20,879	
<b>Regulation 24 Application for authorisation under section 28A</b>	\$68.68	848	1.0		29,120	
<b>Regulation 25 Application for import and export permits</b>	\$68.68	2,097	1.0		2,167	
				<b>Total</b>	<b>\$173,294</b>	

Discounted (10-Years)		Annual Growth (5%) <sup>5</sup>	Discounted Cost (\$)
Year	Cost (\$)		
1	\$173,294	\$173,294	\$167,434
2	\$173,294	\$181,959	\$169,860
3	\$173,294	\$191,057	\$172,322
4	\$173,294	\$200,610	\$174,820
5	\$173,294	\$210,640	\$177,353
6	\$173,294	\$221,172	\$179,924
7	\$173,294	\$232,231	\$182,531
8	\$173,294	\$243,842	\$185,177
9	\$173,294	\$256,034	\$187,860
10	\$173,294	\$268,836	\$190,583
<b>Total</b>			<b>\$1,787,864</b>

1. A proxy for applicants' time is assumed at the hourly rate calculated from the Victorian Guide to Regulations (see assumptions, Attachment G).
2. Times are approximate and have been informed by input from DSE and confirmed by desktop exercises.
3. WAGL database, as at 11 July 2012
4. Fees from 1 July 2012 are \$34.00 (Police Regulation (Fees and Charges) Regulations 2004). The tariff of \$3.40 assumes a churn rates of 10 per cent per annum. Police checks are required only at the time of initial application.
5. Assumes that licence numbers will grow by 5 per cent annum. See Assumption 5 in Attachment G.
6. Annual costs are discounted by 3.5 per cent as suggested in the *Victorian Guide to Regulation* (Appendix C, *Choice of discount rate*, p. 19).

### Costs Imposed by the proposed Wildlife Regulations 2013

Licence administration		Price	Quantity	Cost (\$)	
Description	Tariff <sup>1</sup>	Time <sup>2</sup>	Population <sup>3</sup>	Frequency <sup>4</sup>	
<b>Regulation 21 – Notification of change of natural person responsible for managing licensed premises</b>	\$68.68	0.50	100	1	3,434
<b>Regulation 27 – Record keeping requirements</b>					
(1) Wildlife licence records	\$40.25	0.50	9,450	1	190,172
(2) Wildlife demonstrator records	\$68.68	0.25	39	10	6,696
(5) Return forms to Secretary	\$40.25	0.08	9,450	1	31,695
(6) & (9) Licensee inspection	\$40.25	1.50	1,050	1	63,388
(12) Return of record books and return forms to the Secretary upon cessation of licence	\$40.25		50	1	2,012
Regulation 36 – Notification of change of name or address	\$40.25		750	1	30,185
Regulation 23 – Employer to provide information of employee	\$68.68	0.50	400	1	13,736
			<b>Total</b>	<b>Total</b>	<b>\$341,319</b>

Discounted (10-Years)		Annual Growth (5%) <sup>5</sup>	
Year	Cost (\$)	Cost (\$)	Discounted Cost (\$)
1	\$341,319	\$341,319	\$329,777
2	\$341,319	\$358,385	\$334,556
3	\$341,319	\$376,304	\$339,405
4	\$341,319	\$395,119	\$344,324
5	\$341,319	\$414,875	\$349,314
6	\$341,319	\$435,619	\$354,376
7	\$341,319	\$457,400	\$359,512
8	\$341,319	\$480,270	\$364,723
9	\$341,319	\$504,284	\$370,008
10	\$341,319	\$529,498	\$375,371
<b>Total</b>			<b>\$3,521,366</b>

Notes:

1. A weighted average for applicants' time of \$40.25 has been calculated based on the tariff for private licences (96.6%) and commercial licences (2.36%).
2. Times are approximate and have been informed by input from DPI and confirmed by desktop exercises.
3. The actual population of Wildlife Licensees is 11,813. The population number of 9,450 returns assumes a compliance rate of 80%.
4. Wildlife Demonstrators are required as a licence condition to conduct a minimum of 10 demonstrations per annum. It is assumed that 400 new staff enter the industry annually.
5. Assumes that licence numbers will grow by 5 per cent annum. See Assumption 5 in Attachment G.

<b>Costs imposed by the proposed Wildlife Regulations 2013</b>						
<b>Other administrative &amp; substantive compliance costs</b>						
<b>Description</b>	<b>Tariff<sup>1</sup></b>	<b>Time<sup>2</sup></b>	<b>Population<sup>3</sup></b>	<b>Quantity</b>	<b>Frequency<sup>4</sup></b>	<b>Cost (\$)</b>
Regulation 22 – Advertisement to include licence number	1.00		5,000			\$5,000
Regulations 60, 65 – Display of signage (commercial wildlife licence & wildlife dealer)	68.68	0.50	80		1	\$2,747
Regulation 23 – Recording and submission of details on Employee Register	68.68	0.17	177		2	\$4,052
Regulation 64 – Application for ‘Parrot Rings’	68.68	0.25	7		1	\$120
					<b>Total</b>	<b>\$11,920</b>

<b>Discounted (10-Years)</b>				<b>Annual Growth (5%)<sup>5</sup></b>	<b>Discounted Cost (\$)</b>
<b>Year</b>	<b>Cost (\$)</b>	<b>Discounted (10-Years)</b>	<b>Annual Growth (5%)<sup>5</sup></b>	<b>Discounted Cost (\$)</b>	<b>Discounted Cost (\$)</b>
1	\$11,920	\$11,920	\$11,920	\$11,516	\$11,516
2	\$11,920	\$11,920	\$12,515	\$11,683	\$11,683
3	\$11,920	\$11,920	\$13,141	\$11,853	\$11,853
4	\$11,920	\$11,920	\$13,798	\$12,024	\$12,024
5	\$11,920	\$11,920	\$14,488	\$12,199	\$12,199
6	\$11,920	\$11,920	\$15,213	\$12,376	\$12,376
7	\$11,920	\$11,920	\$15,973	\$12,555	\$12,555
8	\$11,920	\$11,920	\$16,772	\$12,737	\$12,737
9	\$11,920	\$11,920	\$17,611	\$12,921	\$12,921
10	\$11,920	\$11,920	\$18,491	\$13,109	\$13,109
			<b>Total</b>	<b>\$122,973</b>	<b>\$122,973</b>

## Cost calculations option B

### Option B1 – Annual Reporting (proposed Regulations)

#### Costs imposed by the proposed Wildlife Regulations 2013 - Annual returns

Licence administration	Price	Quantity	Cost (\$)
Description - Regulation 13 – Record keeping requirements	Tariff <sup>1</sup>	Population <sup>3</sup>	Frequency <sup>4</sup>
(5) Return forms to Secretary	\$40.25	9,450	1
	0.08		31,695
		<b>Total</b>	<b>\$31,695</b>

Discounted (10-Years)	Discounted Cost (\$)	Annual Growth (5%) <sup>5</sup>	Discounted Cost (\$)
Year	Cost (\$)		
1	\$31,695	\$31,695	\$30,624
2	\$31,695	\$33,280	\$31,067
3	\$31,695	\$34,944	\$31,518
4	\$31,695	\$36,691	\$31,974
5	\$31,695	\$38,526	\$32,438
6	\$31,695	\$40,452	\$32,908
7	\$31,695	\$42,475	\$33,385
8	\$31,695	\$44,599	\$33,869
9	\$31,695	\$46,828	\$34,360
10	\$31,695	\$49,170	\$34,857
		<b>Total</b>	<b>\$326,999</b>

## Option B2 – Quarterly reporting

### Costs imposed by the proposed Wildlife Regulations 2013 - Quarterly returns

Licence administration	Price	Quantity	Cost (\$)
<b>Description - Regulation 13 – Record keeping requirements</b>	<b>Tariff<sup>1</sup></b>	<b>Population<sup>3</sup></b>	<b>Frequency<sup>4</sup></b>
(5) Return forms to Secretary	\$40.25	9,450	4.0
			126,781
		<b>Total</b>	<b>\$126,781</b>

Discounted (10-Years)		Annual Growth (5%) <sup>5</sup>	
Year	Cost (\$)	Discounted Cost (\$)	Discounted Cost (\$)
1	\$126,781	\$126,781	\$122,494
2	\$126,781	\$133,120	\$124,269
3	\$126,781	\$139,777	\$126,070
4	\$126,781	\$146,765	\$127,898
5	\$126,781	\$154,104	\$129,751
6	\$126,781	\$161,809	\$131,632
7	\$126,781	\$169,899	\$133,539
8	\$126,781	\$178,394	\$135,475
9	\$126,781	\$187,314	\$137,438
10	\$126,781	\$196,680	\$139,430
		<b>Total</b>	<b>\$1,307,996</b>

### Option B3 – Less frequent reporting (3-yearly reporting)

#### Costs imposed by the proposed Wildlife Regulations 2013 - Three-yearly returns

Licence administration	Price	Quantity	Cost (\$)
<b>Description - Regulation 13 – Record keeping requirements</b>			
(5) Return forms to Secretary	Tariff <sup>1</sup> \$40.25	Population <sup>3</sup> 9,450	Frequency <sup>4</sup> 0.3
	Time <sup>2</sup> 0.08		10,564
		Total	\$10,564

Discounted (10-Years)		Annual Growth (5%) <sup>5</sup>		Discounted Cost (\$)
Year	Cost (\$)	Year	Cost (\$)	Discounted Cost (\$)
1	\$10,564	1	\$10,564	\$10,207
2	\$10,564	2	\$11,092	\$10,355
3	\$10,564	3	\$11,647	\$10,505
4	\$10,564	4	\$12,229	\$10,657
5	\$10,564	5	\$12,841	\$10,812
6	\$10,564	6	\$13,483	\$10,968
7	\$10,564	7	\$14,157	\$11,127
8	\$10,564	8	\$14,865	\$11,288
9	\$10,564	9	\$15,608	\$11,452
10	\$10,564	10	\$16,388	\$11,618
		<b>Total</b>		<b>\$108,989</b>

Notes:

1. A private tariff (\$39.24 - 96.6%) and commercial tariff (\$68.68 - 3.4%) for licensees results in a weighted average tariff of \$40.25.
2. It is estimated that actual transmission of data (as opposed to its collection and compilation) takes 5 minutes.
3. The actual population of Wildlife Licensees is 11,813. The population number of 9,450 returns assumes a compliance rate of 80%.
4. Frequencies: 1 means annual; 4 means quarterly; and .03 means 3-yearly reporting.
5. Assumes that licence numbers will grow by 5 per cent annum. See Assumption 5 in Attachment G.



**Attachment K**

**Table 1. Proposed Wildlife Regulations 2013 fees**

<b>Fee item</b>	<b>Current fee (\$)</b>	<b>Fee calculations (\$)</b>	<b>Proposed fees (\$ (rounding))*</b>	<b>Fee units*</b>	<b>% change</b>
Private Wildlife (Basic) Licence	68.60	84.30	84.3	6.7	<b>23%</b>
Private Wildlife (Advanced) Licence	187.80	155.19	155.2	12.4	<b>-17%</b>
Private Wildlife (Specimen Category) Licence	10.40	10.63	10.6	0.8	<b>2%</b>
Commercial Wildlife (Wildlife Dealer) Licence Type 1	751.80	716.17	716.2	57.2	<b>-5%</b>
Commercial Wildlife (Wildlife Dealer) Licence Type 2	1879.50	716.17	716.2	57.2	<b>-62%</b>
Commercial Wildlife (Wildlife Demonstrator) Licence	375.90	467.39	467.4	37.3	<b>24%</b>
Commercial Wildlife (Wildlife Taxidermist) Licence Type 1	250.60	509.76	509.8	40.7	<b>103%</b>
Commercial Wildlife (Wildlife Taxidermist) Licence Type 2	751.80	509.76	509.8	40.7	<b>-32%</b>
Commercial Wildlife (Wildlife Controller) Licence Type 1	626.50	377.01	377.0	30.1	<b>-40%</b>
Commercial Wildlife (Wildlife Controller) Licence Type 2	125.30	377.01	377.0	30.1	<b>201%</b>
Commercial Wildlife (Wildlife Displayer) Licence	814.45	642.85	642.8	51.3	<b>-21%</b>
Commercial Wildlife (Wildlife Producer) Licence Type 1	626.50	616.10	616.1	49.2	<b>-2%</b>
Commercial Wildlife (Wildlife Producer) Licence Type 2	626.50	616.10	616.1	49.2	<b>-2%</b>
Commercial Wildlife (Wildlife Producer) Licence Type 3	313.25	616.10	616.1	49.2	<b>97%</b>
Licence variation	25.06	25.00	25.0	2.0	<b>0%</b>
Replacement licence	n.a.	12.50	12.5	1.0	-
Lost or damaged record book	12.53	12.50	12.5	1.0	<b>0%</b>
Royalty for each bird taken	5.00	5.00	5.00	n.a	-

**Notes:**

For ease of comparison, the current licence fee categories are used to illustrate the proposed quantum of change  
A fee unit as at 1 July 2012 has the value of \$12.53. Fee units subject to minor rounding.  
Under section 7(3) of the Monetary Units Act 2004 the amount of a fee calculated may be rounded to the nearest 10 cents.  
A 25 per cent discounted has been applied to the Wildlife Demonstrator, Controller, and Displayer licences to reflect a 'public good' benefit associated with these licences.

Table 2: Private Wildlife Licences

Activity/Cost	VPS Staff Tariff	Time (hrs)	Cost
<b>(A) Individual Task Costs - Licence Processing</b>			
1. DSE receipt of application & payment	70.89	0.150	\$10.63
2. Check for completeness of information	70.89	0.025	\$1.77
3. Check for correct payment	70.89	0.025	\$1.77
4. Data-entry to licensing database	70.89	0.150	\$10.63
5. Supply Stock, Retrieve & Allocate 'Protected Wildlife Record Book'	70.89	0.100	\$7.09
6. Internal Print Production & Dispatch - Private Wildlife Licences	70.89	0.150	\$10.63
7. File/Retrieve documentation	70.89	0.025	\$1.77
		<b>Sub-Total (A)</b>	<b>\$44.31</b>
<b>(B) Apportionment of Fixed Costs</b>			
8. Fixed and task costs - See Table 4			\$12.92
9. Other Government Costs - See Table 5			\$2.39
		<b>Sub-Total (B)</b>	<b>\$15.31</b>
<b>(C) Apportioned Task Costs - Basic Licence Inspections</b>			
10. Pre-planning	70.89	0.5	\$15,472
11. Targeted inspections based on intelligence (incl. travel) - 5% of population	70.89	1.5	\$103,145
12. Inspection report entered into WLS	70.89	0.5	\$17,191
<b>(D) Administration - Update database</b>			
13. Update database with annual return data	70.89	0.15	\$102,773
		<b>Sub-Total</b>	<b>\$238,581</b>
		<b>Per licence (C)</b>	<b>\$24.69</b>

Activity/Cost	VPS Staff Tariff	Time (hrs)	Frequency	No. staff	Cost
<b>(E) Apportioned Task Costs - Advanced Licence Inspections</b>					
14. Pre-planning	70.89	1.0	244	1.00	\$17,297
15. Targeted inspections based on intelligence (incl. travel) - 15% of population	70.89	3.0	244	2.00	\$103,783
16. Inspection report entered into WLS	70.89	1.0	244	1.00	\$17,297
<b>(F) Administration - Update database</b>					
17. Update database with annual return data	70.89	0.15	1,629		\$17,322
				<b>Sub-Total</b>	<b>\$155,700</b>
				<b>Per licence (D)</b>	<b>\$95.58</b>

Activity/Cost	VPS Staff Tariff	Time (hrs)	Cost
<b>(G) Private Wildlife Specimen Category Licence</b>			
18. Processing application (minor activity)	70.89	0.15	\$10.63

Fee Calculation - Private Wildlife Licence	Sub-total A	Sub-total B	Sub-total C	Sub-total D	Cost
Private Wildlife (Basic) Licence	44.31	15.31	24.69		\$84.30
Private Wildlife (Advanced) Licence	44.31	15.31		95.58	\$155.19
Private Wildlife (Specimen Category) Licence					\$10.63

Table 3. Commercial Wildlife Licences

Activity/Cost	VPS Staff Tariff	Time (hrs)	Cost
<b>(A) Individual Task Costs</b>			
1. DSE receipt of application	70.89	0.250	\$17.72
2. Check for completeness of information	70.89	0.250	\$17.72
3. Data-entry to licensing database	70.89	0.150	\$10.63
4. Prepare Inspection Request, Refer Compliance Officer & Receive Report	70.89	0.250	\$17.72
5. Supply Stock, Retrieve & Allocate 'Protected Wildlife Record Book'	70.89	0.100	\$7.09
6. Invoice for payment and Receipt payment when made	70.89	0.250	\$17.72
7. Internal Print Production & Dispatch - Commercial Wildlife Licences	70.89	0.250	\$17.72
8. File/Retrieve documentation	70.89	0.025	\$1.77
		<b>Sub-Total (A)</b>	<b>\$108.11</b>
<b>Apportionment of Fixed Costs</b>			
9. Fixed and task costs - See Table 4			\$12.92
10. Other Government Costs - See Table 5			\$2.39
		<b>Sub-Total (B)</b>	<b>\$15.31</b>
<b>Commercial Wildlife (Wildlife Dealer) Licence Type 1 and 2</b>			
<b>Enforcement costs</b>			
11. Pre-planning	70.89	1.0	\$6,167
12. Targeted inspections based on intelligence (incl. travel) - 80% of population	70.89	4.0	\$39,472
13. Inspection report entered into WLS	70.89	1.0	\$4,934
14. Initial inspection (assumes 10% annual churn rate)	70.89	3.0	\$1,850
<b>Administration - Update database</b>			
15. Update database with annual return data	70.89	0.15	\$925
		<b>Sub-total</b>	<b>\$53,348</b>
		<b>Per licence (C)</b>	<b>\$592.76</b>
		<b>Per licence (A+B+C)</b>	<b>\$716.17</b>

<b>Commercial Wildlife (Wildlife Demonstrator) Licence</b>						
<b>Enforcement costs</b>	<b>VPS Staff Tariff</b>	<b>Time (hrs)</b>	<b>Population</b>	<b>No. staff</b>	<b>Cost</b>	
16. Pre-planning	70.89	1.0	39	1.00	\$2,765	
17. Targeted inspections based on intelligence (incl. travel) - 80% of population	70.89	3.0	31	2.00	\$13,271	
18. Inspection report entered into WLS	70.89	1.0	31	1.00	\$2,212	
19. Initial inspection (assumes 10% annual churn rate)	70.89	3.0	4	1.00	\$829	
<b>Administration - Update database</b>						
20. Update database with annual return data	70.89	0.15	39		\$415	
				<b>Sub-total</b>	<b>\$19,491</b>	
				<b>Per licence (D)</b>	<b>\$499.78</b>	
				<b>Per licence (A+B+D)</b>	<b>\$623.19</b>	
				<b>25% public good discount</b>	<b>\$467.39</b>	
<b>Commercial Wildlife (Wildlife Taxidermist) Licence Type 1 and 2</b>						
<b>Enforcement costs</b>	<b>VPS Staff Tariff</b>	<b>Time (hrs)</b>	<b>Population</b>	<b>No. staff</b>	<b>Cost</b>	
21. Pre-planning	70.89	1.0	33	1.00	\$2,339	
22. Targeted inspections based on intelligence (incl. travel) - 80% of population	70.89	2.0	26	2.00	\$7,486	
23. Inspection report entered into WLS	70.89	1.0	26	1.00	\$1,872	
24. Initial inspection (assumes 10% annual churn rate)	70.89	3.0	3	1.00	\$702	
<b>Administration - Update database</b>						
25. Update database with annual return data	70.89	0.15	33		\$351	
				<b>Sub-total</b>	<b>\$12,750</b>	
				<b>Per licence (E)</b>	<b>\$386.35</b>	
				<b>Per licence (A+B+E)</b>	<b>\$509.76</b>	

<b>Commercial Wildlife (Wildlife Controller) Licence Type 1 and 2</b>						
	<b>VPS Staff Tariff</b>	<b>Time (hrs)</b>	<b>Population</b>	<b>No. staff</b>	<b>Cost</b>	
<b>Enforcement costs</b>						
26. Pre-planning	70.89	1.0	169	1.00	\$11,980	
27. Targeted inspections based on intelligence (incl. travel) - 80% of population	70.89	2.0	135	2.00	\$38,337	
28. Inspection report entered into WLS	70.89	1.0	135	1.00	\$9,584	
29. Initial inspection (assumes 10% annual churn rate)	70.89	2.0	17	1.00	\$2,396	
<b>Administration - Update database</b>						
30. Update database with annual return data	70.89	0.15	169		\$1,797	
				<b>Sub-total</b>	<b>\$64,095</b>	
				<b>Per licence (F)</b>	<b>\$379.26</b>	
				<b>Per licence (A+B+F)</b>	<b>\$502.68</b>	
				<b>25% public good discount</b>	<b>\$377.01</b>	
<b>Commercial Wildlife (Wildlife Displayer) Licence</b>						
<b>Enforcement costs</b>						
31. Pre-planning	70.89	1.0	7	1.00	\$496	
32. Targeted inspections based on intelligence (incl. travel) - 80% of population	70.89	5.0	6	2.00	\$3,970	
33. Inspection report entered into WLS	70.89	1.0	6	1.00	\$397	
34. Initial inspection (assumes 10% annual churn rate)	70.89	4.0	1	1.00	\$198	
<b>Administration - Update database</b>						
35. Update database with annual return data	70.89	0.15	7		\$74	
				<b>Sub-total</b>	<b>\$5,136</b>	
				<b>Per licence (G)</b>	<b>\$733.71</b>	
				<b>Per licence (A+B+G)</b>	<b>\$857.13</b>	
				<b>25% public good discount</b>	<b>\$642.85</b>	

<b>Commercial Wildlife (Wildlife Producer) Licence Type 1, 2, 3</b>						
<b>Enforcement costs</b>	<b>VPS Staff Tariff</b>	<b>Time (hrs)</b>	<b>Population</b>	<b>No. staff</b>	<b>Cost</b>	
36. Pre-planning	70.89	1.0	27	1.00	\$1,914	
37. Targeted inspections based on intelligence (incl. travel) - 80% of population	70.89	3.0	22	2.00	\$9,187	
38. Inspection report entered into WLS	70.89	1.0	22	1.00	\$1,531	
39. Initial inspection (assumes 10% annual churn rate)	70.89	2.0	2.7	1.00	\$383	
<b>Administration - Update database</b>						
40. Update database with annual return data	70.89	0.15	27		\$287	
				<b>Sub-total</b>	<b>\$13,303</b>	
				<b>Per licence (H)</b>	<b>\$492.69</b>	
				<b>Per licence (A+B+H)</b>	<b>\$616.10</b>	

Table 4. Apportioned fixed costs

	VPS Staff Tariff	Total Time (hrs)	Instances (pa)	Cost (each)
<b>(A) Apportioned Task Costs</b>				
1. Prepare & Dispatch Letter to Customer re: Incomplete Information	70.89	0.025	1,000	\$1,772.25
2. Prepare & Dispatch Letter to Customer re: Underpayment	70.89	0.025	500	\$886.13
3. Prepare & Dispatch Letter to Customer re: Overpayment & Refund	70.89	0.025	500	\$886.13
4. Prepare Letter to Customers re: Returns for Wildlife	70.89	0.025	11,800	\$20,912.60
5. Prepare Letter to Customers re: Copy of Return for Wildlife	70.89	0.025	8,000	\$14,178.04
14. Prepare Letter to Customers re: Licence Renewal	70.89	0.025	11,800	\$20,912.60
15. Receive & Process 'Returns for Wildlife'	70.89	0.025	8,000	\$14,178.04
			<b>Sub-Total (N)</b>	<b>\$73,725.78</b>
<b>(B) Apportioned Fixed Costs</b>				
	<b>Job Rate</b>			<b>Cost (each)</b>
16. Supply Stock: Wildlife Licence Card	\$1,040			\$1,040
17. Supply Stock: Protected Wildlife Record Book	\$12,600			\$12,600
18. Supply Stock: Envelope DLX	\$2,600			\$2,600
19. Supply Stock: Envelope A4	\$300			\$300
20. Postage - DLX	\$31,200			\$31,200
21. Postage - A4	\$7,000			\$7,000
22. External Print Production & Postage - Returns Reminder Notice	\$8,000			\$8,000
23. External Print Production & Postage - Returns Copy	\$8,000			\$8,000
24. External Print Production & Postage - Renewal Notice	\$8,000			\$8,000
			<b>Sub-Total (O)</b>	<b>\$78,740</b>
			<b>Sub-total (N+O)</b>	<b>\$152,466</b>
			<b>Per licence</b>	<b>\$12.92</b>



Table 5. Other Government costs – private and commercial licences

	VPS Staff Tariff	No. staff	Time (hrs)	Instances (pa)	Cost (ea)
<b>(A) Apportioned Task Costs - Business Management and Customer Services</b>					
Bi-annual business reporting for Wildlife Regulations	70.89	1.00	16.00	-	\$1,134.24
Customer services - advice to public on licensing	70.89	1.00	0.25	52	\$921.57
				<b>Sub-Total (P)</b>	<b>\$2,055.82</b>
<b>(B) Apportioned Task Costs - Extension and monitoring (attending shows, expos, interest group meetings)</b>					
Attendance at agricultural shows	70.89	2.00	8.000	6	\$6,805.46
Attendance at Herpetological Expo	70.89	2.00	8.000	2	\$2,268.49
Attendance at Melbourne Show	70.89	1.00	8.000	4	\$2,268.49
Attendance at Avicultural Shows	70.89	2.00	8.000	13	\$14,745.16
				<b>Sub-Total (Q)</b>	<b>\$26,087.58</b>
				<b>Sub-total (P+Q)</b>	<b>\$28,143.40</b>
				<b>Per licence</b>	<b>\$2.39</b>

Table 6. Other fees

Licence description	VPS Staff Tariff	Time (hrs)	Actual cost (including postage)	Cost (ea)
Licence variation	70.89	0.35		\$24.81
Replacement Licence			12.50	\$12.50
Lost or damaged record book			12.50	\$12.50

## Wildlife licence holder annual expenditure survey, November 2012

While there are broad estimates for the contribution of pets to the Australian economy, no data concerning annual expenditure by Victorian wildlife licence holders was readily available. Therefore to inform the analysis in this RIS, DSE conducted a survey to estimate annual expenditure on wildlife by Victorian wildlife licence holders. The survey results suggest that annual expenditure on wildlife is in the order of **\$63.7 million** per annum, with \$18.5 million deriving from private licence holders and \$45.2 million coming from commercial licence holders.

DSE contacted 1,394 licence holders (13.8 per cent of the population) and 192 licensees, representing all licence categories. The survey ran from 8 October to 16 November 2012.

Average expenditure per licence category was calculated from the survey results, and these figures were multiplied by the total number of licence holders in each category. The table below summarises the survey results per licence category under the current regulations.

Licence category	Annual expenditure (\$)
<b>Private</b>	
Private Wildlife (Basic) Licence	12,200,244
Private Wildlife (Advanced) Licence	6,141,511
Private Wildlife (Specimen) Licence	136,960
<b>Sub-total</b>	<b>18,478,715</b>
<b>Commercial</b>	
Commercial Wildlife (Wildlife Dealer) Licence Type 1	23,642,906
Commercial Wildlife (Wildlife Dealer) Licence Type 2	429,000
Commercial Wildlife (Wildlife Demonstrator) Licence	2,317,638
Commercial Wildlife (Wildlife Taxidermist) Licence Type 1	315,100
Commercial Wildlife (Wildlife Taxidermist) Licence Type 2	195,429
Commercial Wildlife (Wildlife Controller) Licence Type 1	138,642
Commercial Wildlife (Wildlife Controller) Licence Type 2	848,504
Commercial Wildlife (Wildlife Displayer) Licence	16,186,939
Commercial Wildlife (Wildlife Producer) Licence Type 1	165,550
Commercial Wildlife (Wildlife Producer) Licence Type 2	373,580
Commercial Wildlife (Wildlife Producer) Licence Type 3	619,286
Sub-total	45,232,574
<b>Total</b>	<b>\$63,711,289</b>

# Wildlife Regulations

## Exposure Draft

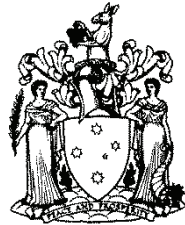
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Victoria

## Wildlife Regulations

### Exposure Draft

#### 1 Objectives

The objectives of these Regulations are—

- (a) to provide for the management and conservation of wildlife and wildlife habitat; and
- (b) to provide for humane use of and access to wildlife; and
- (c) to make further provision in relation to the licensing system established by section 22 of the **Wildlife Act 1975**; and
- (d) to prescribe fees, offences, royalties and various other matters for the purposes of the **Wildlife Act 1975**; and
- (e) to provide for exemptions from certain provisions of the **Wildlife Act 1975**.

## 2 Authorising provision

These Regulations are made under section 87 of the **Wildlife Act 1975**.

## 3 Commencement

These Regulations come into operation on 24 June 2013.

## 4 Revocation

The following Regulations are **revoked**—

- (a) the Wildlife Regulations 2002<sup>1</sup>; and
- (b) the Wildlife (Amendment) Regulations 2004<sup>2</sup>; and
- (c) the Wildlife Amendment Regulations 2009<sup>3</sup>.

## 5 Definitions

In these Regulations—

**commercial film** includes, but is not limited to, commercial films, theatrical productions, television productions, and advertisements;

**Commercial Wildlife Licence** means any one of the following licences—

- (a) Wildlife Controller Licence;
  - (b) Wildlife Dealer Licence;
  - (c) Wildlife Demonstrator Licence;
  - (d) Wildlife Displayer Licence;
  - (e) Game Bird Farmer Licence;
  - (f) Wildlife Processor Licence;
  - (g) Wildlife Farmer Licence;
  - (h) Wildlife Taxidermist Licence;
-



***dangerous or venomous wildlife*** includes, but is not limited to, elapid snakes whether or not the individual specimen is capable of a venomous bite;

***dingo*** means *Canis lupus dingo*;

***exempt person*** means a person who is, by the operation of regulation 49, exempted from section 47 of the Act;

***Phillip Island Nature Park*** has the same meaning as in the Crown Land (Reserves) (Phillip Island Nature Park) Regulations 2010, made under section 13 of the **Crown Land (Reserves) Act 1978**;

***Private Wildlife Licence*** means any one of the following licences—

- (a) Wildlife Basic Licence;
- (b) Wildlife Advanced Licence;
- (c) Wildlife Specimen Licence;
- (d) Dingo Licence;

***registered veterinary practitioner*** has the same meaning as in the **Veterinary Practice Act 1997**;

***take*** includes to gain possession or control of wildlife by any means and also includes causing, permitting or assisting in taking wildlife;

***the Act*** means the **Wildlife Act 1975**;

***trap*** includes a trap, net, snare, pitfall or any other device used for, or capable of being used for, taking wildlife.

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**PART 2—GENERAL**

**Division 1—Licences**

**6 Prescribed categories of wildlife licences for the purposes of section 22**

For the purposes of section 22 of the Act, the prescribed categories of wildlife licences are—

- (a) Wildlife Basic Licence;
- (b) Wildlife Advanced Licence;
- (c) Wildlife Specimen Licence;
- (d) Dingo Licence;
- (e) Wildlife Controller Licence;
- (f) Wildlife Dealer Licence;
- (g) Wildlife Demonstrator Licence;
- (h) Wildlife Displayer Licence;
- (i) Game Bird Farmer Licence;
- (j) Wildlife Processor Licence;
- (k) Wildlife Farmer Licence;
- (l) Wildlife Taxidermist Licence.

**7 Wildlife Basic Licence**

A Wildlife Basic Licence authorises the licence holder to possess, keep, breed, buy, sell and dispose of any wildlife listed in Schedules 2 and 7 and specified in the licence for non-commercial purposes.

### **8 Wildlife Advanced Licence**

A Wildlife Advanced Licence authorises the licence holder to possess, keep, breed, buy, sell and dispose of any wildlife listed in Schedules 2, 3 and 7 and specified in the licence for non-commercial purposes.

### **9 Wildlife Specimen Licence**

A Wildlife Specimen Licence authorises the licence holder to possess, keep, buy, sell and dispose of prepared or mounted specimens of any dead wildlife specified in the licence for non-commercial purposes.

### **10 Dingo Licence**

A Dingo Licence authorises the licence holder to—

- (a) possess, keep, breed, buy, sell and dispose of any dingo specified in the licence for non-commercial purposes; and
- (b) possess any dingo at other sites for the purposes of exercising or obedience training.

### **11 Wildlife Controller Licence**

A Wildlife Controller Licence authorises the licence holder to take any wildlife listed in Schedule 6 and specified in the licence from the wild and to destroy, dispose of or sell the wildlife, in circumstances where the wildlife is damaging property or is a danger to persons.

### **12 Wildlife Dealer Licence**

A Wildlife Dealer Licence authorises the licence holder to—

- (a) possess, keep, breed, buy, sell and dispose of any living wildlife listed in Schedule 2, Part A of Schedule 3 and Schedules 4 and 7 and specified in the licence, for the
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commercial purpose of dealing in wildlife;  
and

- (b) dispose of dead wildlife listed in Schedules 2, Part A of Schedule 3 and Schedules 4 and 7 and specified in the licence.

### **13 Wildlife Demonstrator Licence**

A Wildlife Demonstrator Licence authorises the licence holder to—

- (a) possess and display any taxon of wildlife listed in Schedule 2, 3 or 4 and specified in the licence to the public in travelling displays or demonstrations or other temporary displays or demonstrations at any location within Victoria, for the purpose of promoting an understanding of the ecology and conservation of wildlife;
  - (b) possess, keep, breed, buy, sell or dispose of wildlife listed in Schedule 2, 3 or 4 and specified in the licence at the premises specified in the licence for the purpose of promoting an understanding of the ecology and conservation of wildlife;
  - (c) possess, keep, breed, buy, sell or dispose of any taxon of wildlife listed in Schedule 2, 3 or 4 and specified in the licence at the premises specified in the licence, for the purpose of providing the wildlife for use in commercial films;
  - (d) possess, keep, breed, buy, sell, display or dispose of any taxon of wildlife, specified in the licence, except that listed in Schedule 2, 3 or 4.
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#### **14 Wildlife Displayer Licence**

A Wildlife Displayer Licence authorises the licence holder to—

- (a) possess and display any taxon of wildlife specified in the licence for the purpose of promoting the conservation of or providing education about wildlife—
  - (i) in permanent and fixed facilities at the premises specified in the licence where—
    - (A) the enclosure is an integral part of the display; and
    - (B) the display of wildlife has a clear conservation theme and is designed to present information on the ecological role of the wildlife being displayed; and
  - (ii) at other sites in Victoria not specified in the licence; and
- (b) possess, keep, breed, sell, buy or dispose of any taxon of wildlife specified in the licence for the purpose of providing wildlife for use in commercial films; and
- (c) possess, keep, breed, sell, buy or dispose of any taxon of wildlife specified in the licence on the premises specified in the licence for the purpose of promoting the conservation of or providing education about wildlife.

#### **15 Game Bird Farmer Licence**

A Game Bird Farmer Licence authorises the licence holder to possess, keep, breed, buy, sell, destroy and dispose of any birds that are of a taxon of wildlife listed in Part A of Schedule 5 specified in the licence and that have been bred in captivity for the purpose of hunting.

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## **16 Wildlife Processor Licence**

A Wildlife Processor Licence authorises the licence holder to possess, keep, buy, sell, process and dispose of dead wildlife for the purpose of providing wildlife products for sale, if the wildlife is of—

- (a) any taxa listed in Part B of Schedule 5 and specified in the licence that has been obtained from a source approved in writing for the purpose by the Secretary; or
- (b) any taxa listed in Schedule 7 and specified in the licence that has been obtained from the holder of a Wildlife Processor Licence.

## **17 Wildlife Farmer Licence**

A Wildlife Farmer Licence authorises the licence holder, for the purpose of farming wildlife to—

- (a) possess, keep, breed, buy, sell, display, destroy, process and dispose of any wildlife that is of the taxa listed in Schedule 7 and specified in the licence and that has been bred in captivity or obtained from a source approved in writing by the Secretary; and
- (b) dispose of infertile eggs of any wildlife that is of the taxa listed in Schedule 7 and specified in the licence to any person; and
- (c) possess and display any wildlife that is of the taxa listed in Schedule 7 and specified in the licence at sites other than the premises specified in the licence.

## **18 Wildlife Taxidermist Licence**

A Wildlife Taxidermist Licence authorises the licence holder to—

- (a) possess, keep, buy, sell, process and dispose of wildlife—
    - (i) that is of the taxa listed in Schedules 2, 3 and 4, and Parts A and C of Schedule 5, or of the taxa listed in Schedule 7 and specified in the licence that are obtained from the holder of a Wildlife Farmer Licence for the purpose of preserving, preparing and mounting, and restoring, parts or complete specimens of dead wildlife; or
    - (ii) approved in writing by the Secretary for the purpose of preserving, preparing and mounting, and restoring, parts or complete specimens of dead wildlife; and
  - (b) keep, possess or dispose of wildlife—
    - (i) that is of the taxa listed in Schedules 2, 3 and 4 and specified in the licence for the purpose of providing parts or complete specimens of dead wildlife that for use in commercial films; or
    - (ii) of the taxa listed in Schedule 7 and specified in the licence that are obtained from the holder of a Wildlife Farmer Licence or approved in writing by the Secretary for the purpose of providing parts or complete specimens of dead wildlife that for use in commercial films.
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## **19 Licence fees**

- (1) For the purposes of section 22(4) of the Act, the prescribed annual fee for a category of wildlife licence listed in Column 2 of Schedule 1 is the fee listed opposite the category of licence in Column 3 of Schedule 1.
  - (2) If a licence is issued for less than 12 months, the prescribed fee for a category of wildlife licence listed in Column 2 of Schedule 1 is the fee listed opposite the category of licence in Column 3 of Schedule 1 divided by 12 and multiplied by the number of months for which the licence is issued.
  - (3) If a licence is issued for—
    - (a) more than 12 months, but less than 18 months, the prescribed fee for a category of wildlife licence listed in Column 2 of Schedule 1 is the fee listed opposite the category of licence in Column 3 of Schedule 1 divided by 12 and multiplied by the number of months for which the licence is issued; or
    - (b) more than 18 months, the prescribed fee for a category of wildlife licence set out in Column 2 in Schedule 1 is the fee set out in Column 3 in Schedule 1 divided by 15 and multiplied by the number of months the licence will remain valid.
  - (4) The prescribed fee for an application for the replacement of a lost or damaged licence is 1 fee unit.
  - (5) The prescribed fee for an application for the variation of a licence is 2 fee units.
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- (6) If the Secretary is satisfied that an applicant for a licence is an *eligible recipient* within the meaning of the **State Concessions Act 2004**, the prescribed fee to be paid for a wildlife licence is half the amount that would be payable under this subregulation.

## **20 Application for a wildlife licence**

- (1) An application for the issue or variation of a wildlife licence must—
- (a) be in a form approved by the Secretary; and
  - (b) contain the following information together with any other information required by the Secretary—
    - (i) in the case of a person who is less than 18 years of age and who applies for a Wildlife Basic Licence or a Wildlife Advanced Licence, the written and signed consent of that person's parent or legal guardian;
    - (ii) in the case of a person who is less than 18 years of age and who applies for a Wildlife Advanced Licence in respect to the possession of the venomous snakes listed in Part B of Schedule 3, documentation that demonstrates that the applicant understands the handling of those venomous snakes;
    - (iii) in the case of a person who applies for a Dingo Licence, evidence that the person is over 18 years of age;
    - (iv) details of any findings of guilt for offences under the Act or the **Prevention of Cruelty to Animals Act 1986** during the 10 years preceding the application;
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- (v) in the case of a person who is not a natural person, the name, address and telephone number of the natural person who will be responsible for managing the premises to which the licence application relates;
  - (vi) the following details of any person who is currently employed by the holder of a Commercial Wildlife Licence to work at the premises to which that licence relates—
    - (A) the name, sex, contact telephone number and address of the person employed; and
    - (B) the capacity in which the person is employed; and
    - (C) the date on which the person commenced employment with the licence holder.
- (2) For the purposes of subregulation (1)(b), the Secretary may require the following information—
- (a) a plan of the area applied for showing all buildings, fences, yards, shelters, watering and feeding facilities;
  - (b) enclosure design and specifications, materials to be used in construction of facilities, enclosure layout, holding pens, shelters, watering and feeding facilities and any other relevant matter;
  - (c) in the case of the holder of a Wildlife Demonstrator Licence or Wildlife Displayer Licence, the design, specifications and materials to be used in the construction of a pit for displaying or demonstrating dangerous or venomous wildlife during
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travelling displays or demonstrations that is an open topped enclosure designed, constructed and maintained to—

- (i) allow the safe demonstration or display of dangerous or venomous wildlife from within the enclosure by the holder of that licence; and
- (ii) prevent the escape of any dangerous or venomous wildlife from within the enclosure; and
- (iii) ensure the walls of the enclosure are a minimum height of 1.1 metres; and
- (iv) ensure the walls of the enclosure are constructed from solid and sturdy materials with no gaps or holes that may allow a person outside the enclosure to protrude any part of their body through the walls.

**21 Notification of change of natural person responsible for managing premises specified in licence**

- (1) A licence holder that is not a natural person must notify the Secretary in writing within 14 days of a change of the natural person responsible for managing the premises specified in the licence changes.

Penalty: 20 penalty units.

- (2) A notification under subregulation (1) must include the name, address and telephone number of the natural person who is responsible for managing the premises specified in the licence.

## **22 Advertisement to include licence number**

The holder of a wildlife licence must not advertise wildlife for sale unless the advertisement states the wildlife licence number that authorises the sale.

Penalty: 20 penalty units.

## **23 Employees of Commercial Wildlife Licence holders**

(1) Within 14 days of the holder of a Commercial Wildlife Licence employing any person to work at the premises to which that licence relates, the holder of the Commercial Wildlife Licence must notify the Secretary in writing of the following detail—

- (a) the name, sex, contact telephone number and address of the person employed; and
- (b) the capacity in which the person is employed; and
- (c) the date on which the person commenced employment with the licence holder.

Penalty: 5 penalty units.

(2) If a person ceases to be an employee of the holder of a Commercial Wildlife Licence, the licence holder must notify the Secretary in writing within 14 days after the person so ceases.

Penalty: 5 penalty units.

## **Division 2—Forms, Permits and Authorisations**

### **24 Application for authorisation under section 28A**

For the purposes of section 28A of the Act, an application for an authorisation must be in a form approved by the Secretary.

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## **25 Application for import and export permits**

- (1) For the purposes of section 50(3) of the Act, an application for a permit under section 50 of the Act must be in a form approved by the Secretary.
- (2) Within 14 days of the day of expiry of a permit issued under section 50 of the Act, the holder of the permit must—
  - (a) complete the notification in a form approved by the Secretary in respect of the purpose for which the notification is required; and
  - (b) submit the notification to the Secretary.

Penalty: 20 penalty units.

## **26 Location of forms**

If the Secretary approves a form under these regulations, the Secretary must cause a copy of that form to be available on the Department's website.

### **Division 3—Record keeping requirements**

## **27 Record books**

- (1) All record books and return forms supplied by the Secretary remain the property of the Secretary.
- (2) The holder of a wildlife licence must maintain permanent and legible entries of all transactions made by the holder of a wildlife licence in the record book supplied by the Secretary.

Penalty: 20 penalty units.

- (3) The holder of a wildlife licence must make each entry in the record book by the close of the same business day after any occurrence of an event that is required by the Secretary to be entered in the record book.

Penalty: 20 penalty units.

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- (4) The holder of a Wildlife Demonstrator Licence must maintain a bound book which records the date, time and venue of all demonstrations conducted by the holder of the Wildlife Demonstrator Licence.

Penalty: 20 penalty units.

### **28 Return forms**

- (1) The holder of a wildlife licence must ensure that return forms are completed legibly and permanently using a return form supplied by the Secretary.

Penalty: 20 penalty units.

- (2) The holder of a wildlife licence must provide the Secretary with a return form at the time specified in the licence.

Penalty: 20 penalty units.

- (3) The holder of a wildlife licence must ensure that a legible copy of each return form is kept by the licence holder.

Penalty: 20 penalty units.

### **29 Inspections of record books and return forms**

The holder of a wildlife licence must produce all or any record books or copies of return forms for inspection when requested by an authorised officer.

Penalty: 20 penalty units.

### **30 Fees for lost or damaged record book**

If a record book has been lost or damaged, the holder of a wildlife licence must pay a maximum fee of 1 fee unit for each replacement record book.

### **31 Storage of record books and return forms**

The holder of a wildlife licence must ensure that the record book and copies of return forms are kept in a safe and secure place at the premises specified in the licence.

Penalty: 20 penalty units.

### **32 Return of record books and return forms**

- (1) Within 14 days of a person ceasing to hold a wildlife licence, the person must return all record books and copies of return forms to the Secretary.

Penalty: 20 penalty units.

- (2) The holder of a wildlife licence must surrender to the Secretary all record books or return forms at the written direction of the Secretary within the time specified in that direction.

Penalty: 20 penalty units.

### **33 Theft, loss and damage**

- (1) The holder of a wildlife licence must—
  - (a) report any theft of wildlife relating to the licence to a member of the police force within 48 hours of the licence holder becoming aware of the theft; and
  - (b) record the theft in the record book; and
  - (c) retain a copy of the police report.

Penalty: 20 penalty units.

- (2) The holder of a wildlife licence must notify the Secretary of the theft or loss of any wildlife in a form approved by the Secretary within 48 hours of becoming aware of the theft or loss.

Penalty: 20 penalty units.

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- (3) The holder of a wildlife licence must produce a copy of the police report referred to in subregulation (1) upon request by an authorised officer.

Penalty: 20 penalty units.

- (4) The holder of a wildlife licence must notify the Secretary of the theft, loss of or damage to any record book or return form, or copy of a return form in a form approved by the Secretary within 48 hours upon becoming aware of the theft, loss of or damage.

Penalty: 20 penalty units.

- (5) The holder of a wildlife licence must not tamper with, or permit to be tampered with, any entry in a record book or return form unless authorised by the licence.

Penalty: 50 penalty units.

- (6) The holder of a wildlife licence must not be in possession or control of a record book, return form or copy of a return form that has been tampered with.

Penalty: 50 penalty units.

- (7) For the purpose of subregulations (5) and (6), *tamper* includes to damage, destroy, deface, erase, delete or remove.

- (8) The holder of a Dingo Licence must, in the event of the escape of any dingoes, notify the Secretary of the escape and the micro-chip or tattoo number of each escaped dingo, within 48 hours of becoming aware of the escape.

Penalty: 20 penalty units.

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**34 Electronic recording of information**

- (1) Where these Regulations require a person to record or keep information for any purpose, the Secretary may require the information to be recorded or kept in an electronic form.
- (2) Where these Regulations require a person to provide or submit information for any purpose, the Secretary may require the information to be provided or submitted to the Secretary by means of an electronic communication.
- (3) Where the Secretary has issued a requirement under this regulation, a reference in these Regulations to a record book, return form, notification or application includes a reference to the record book, return form, notification or application in that electronic form.

**35 Approvals by the Secretary**

- (1) The Secretary may approve any form for the purposes of these Regulations.
  - (2) A form approved by the Secretary may require or permit the form to be given on a specified kind of data processing device or by specified electronic transmission, in accordance with specified software or other requirements.
  - (3) A form approved by the Secretary may include a form of record book, return form, application or notification.
  - (4) The Secretary may approve a source of wildlife for the purposes of these Regulations.
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**Division 4—Miscellaneous**

**36 Notification of changes of name or address**

The holder of a wildlife licence, permit or authority issued under the Act must notify the Secretary in a form approved by the Secretary within 14 days of any change of name or address provided to the Secretary in relation to the licence, permit or authority.

Penalty: 5 penalty units.

**37 Marking of individual wildlife**

(1) The Secretary may direct, in writing, the holder of a wildlife licence to mark wildlife in that licence holder's possession—

- (a) if the wildlife is diseased; or
- (b) if the Secretary believes, on reasonable grounds, that the wildlife is held or was held, acquired or disposed of in contravention of the Act or a corresponding law of another State or of a Territory of the Commonwealth with respect to wildlife; or
- (c) for any other reason as determined by the Secretary.

(2) A direction under subregulation (1) may specify—

- (a) the type of mark to be used;
- (b) method of marking to be used;
- (c) whether the mark is to be permanent or the duration of time for which the wildlife must remain marked.

(3) A person who has been directed to mark wildlife under this regulation must comply with the direction.

Penalty: 50 penalty units.

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**38 Prescribed poisons under section 54**

For the purposes of section 54 of the Act, the following substances are prescribed—

- (a) any poison or controlled substance within the meaning of the **Drugs, Poisons and Controlled Substances Act 1981**; or
- (b) any agricultural chemical product within the meaning of the **Agricultural and Veterinary Code Act 1994** of the Commonwealth.

**39 Wildlife to be bought, sold or disposed of only at specified premises**

The holder of a wildlife licence must not buy, sell or enter into a transaction to dispose of wildlife unless—

- (a) the transaction occurs at the premises specified in the wildlife licence of one of the parties to the transaction; or
- (b) the transaction and the place of the transaction have been specifically approved in writing by the Secretary; or
- (c) the transaction is with an exempt person.

Penalty: 20 penalty units.

**40 Prescribed area of public land**

For the purposes of section 48A(1)(c) of the Act, Phillip Island Nature Park is a prescribed area of public land.

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**PART 3—PROTECTION OF WILDLIFE**

**41 Taking of wildlife**

- (1) A person other than a person referred to in subregulation (6) must not use a trap, bait, lure, poison, decoy, or live animal to attract wildlife for the purpose of taking that wildlife unless the person is licensed or authorised to do so under the Act.

Penalty: 50 penalty units.

- (2) A person must not use a firearm from an aircraft, motor vehicle, boat or any other vehicle to take wildlife unless the person is licensed or authorised to do so under the Act.

Penalty: 50 penalty units.

- (3) A person must not use an aircraft, motor vehicle, boat, or any other vehicle to pursue, chase, or harass wildlife unless the person is licensed or authorised to do so under the Act.

Penalty: 50 penalty units.

- (4) A person must not use an artificial light, electronic device, or recorded sound to hunt or take wildlife, unless the person is licensed or authorised to do so under the Act.

Penalty: 50 penalty units.

- (5) A person must not use a gun, bow or other weapon, for the purpose of taking wildlife, unless the person is licensed or authorised to do so under the Act.

Penalty: 50 penalty units.

- (6) A person does not commit an offence under subregulation (1) in circumstances where the person is attempting to capture any wildlife of the taxa listed in Part A or Part C of Schedule 5 or

Schedule 7 which was legally in the possession of the person and which has escaped.

(7) In this regulation, *wildlife* does not include game.

**42 Person not to damage, disturb or destroy any wildlife habitat**

(1) A person other than a person referred to in subregulation (2) must not damage, disturb or destroy any wildlife habitat.

Penalty: 50 penalty units.

(2) A person does not commit an offence under subregulation (1) if the person is—

(a) authorised to damage, disturb or destroy wildlife habitat under any Act; or

(b) the holder of a licence granted under the **Forests Act 1958** to harvest timber or other forest produce; or

(c) undertaking timber harvesting operations that are authorised operations referred to in section 45(2)(a) and (b)(i) of the **Sustainable Forests (Timber) Act 2004**.

(3) In this regulation, *disturb* in relation to wildlife habitat includes but is not limited to the removal or relocation of wildlife habitat or a part of wildlife habitat.

**43 Housing wildlife**

(1) A person other than a person referred to in subregulation (3) who possesses living wildlife must keep the wildlife in cages or enclosures that—

(a) are designed, constructed and maintained to provide for the adequate shelter for the wildlife; and

- (b) prevent the escape or injury of the wildlife;  
and
- (c) protect the wildlife from predators; and
- (d) resist access by persons not authorised by the person who possesses the wildlife; and
- (e) provide for the good health and welfare of the animal.

Penalty: 50 penalty units.

- (2) If a cage or enclosure is not designed, constructed and maintained to comply with subregulation (1), the Secretary may direct in writing that the person possessing the wildlife make specific changes or alterations to the enclosure within the period specified in the direction.
- (3) A person does not commit an offence under subregulation (1) if the person has obtained prior written approval of the Secretary under subregulation (4) and is acting in accordance with that approval.
- (4) The Secretary may—
  - (a) give written approval for a person to keep wildlife in an enclosure which does not comply with any or all of the requirements of subregulation (1); and
  - (b) impose conditions on an approval given under paragraph (a).

#### **44 Transport of wildlife**

- (1) A person other than a person referred to in subregulation (4) who consigns or transports wildlife must ensure that any container used to consign or transport the wildlife is designed, constructed and maintained to—
    - (a) withstand transportation; and
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- (b) prevent the escape or injury of the wildlife contained within; and
- (c) protect against predators; and
- (d) resist interference; and
- (e) provide for the good health and welfare of the animal during transport.

Penalty: 50 penalty units.

- (2) A person other than a person referred to in subregulation (4) who consigns a specimen of wildlife for transport must ensure that the container in which the specimen is placed has securely attached to it a label clearly displaying the following information—
- (a) the person's name and address and wildlife licence number (if any); and
  - (b) the name and address and wildlife licence number (if any) of the person to whom the specimen is being consigned; and
  - (c) the common name (where provided in the relevant Schedule to these Regulations, if any) of the taxon of the specimen that is being consigned; and
  - (d) the number of specimens of each taxon of wildlife in the container in which the specimen is placed.

Penalty: 20 penalty units.

- (3) A person other than a person referred to in subregulation (4) who transports a specimen of wildlife must ensure that the container in which the specimen is placed has securely attached to it a label clearly displaying information that the person reasonably believes is the following information—
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- (a) the name and address and wildlife licence number (if any) of the owner of the specimen; and
- (b) the name and address and wildlife licence number (if any) of the person to whom the specimen is being consigned; and
- (c) the common name (where provided in the relevant Schedule to these Regulations, if any) of the taxon of the specimen that is being consigned; and
- (d) the number of specimens of each taxon of wildlife in the container or receptacle in which the specimen is placed.

Penalty: 20 penalty units.

- (4) A person does not commit an offence under this regulation if the person possesses sick, injured or abandoned wildlife for the purpose of transporting the wildlife to a registered veterinary practitioner or the holder of an authorisation under section 28A(f) of the Act.

#### **45 Wildlife that is not self-sufficient**

- (1) A person other than a person referred to in subregulation (2) must not, without the prior written approval of the Secretary buy, sell, dispose of, consign, or transport any wildlife that—
  - (a) if a flighted bird, is too young to fly, or if a flightless bird, is less than 4 weeks old; or
  - (b) if a mammal, is not fully weaned; or
  - (c) is obviously diseased, sick or injured; or
  - (d) is an egg.

Penalty: 50 penalty units.

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- (2) A person does not commit an offence under subregulation (1) if the person—
- (a) possesses sick, injured or abandoned wildlife for the purpose of transporting the wildlife to a registered veterinary practitioner or to the holder of an authorisation under section 28A(f) of the Act; or
  - (b) is buying, selling, disposing of, consigning, conveying or transporting the eggs of any taxon of wildlife listed in Part A of Schedule 5; or
  - (c) is buying, selling, disposing of, consigning, conveying or transporting any wildlife listed in Part C of Schedule 5 that is not fully weaned if that wildlife is being bought, sold, disposed of, consigned or transported with its mother; or
  - (d) is the holder of a Wildlife Farmer Licence who is buying, selling, disposing of, consigning, conveying or transporting the eggs of any wildlife listed in Schedule 7.

#### **46 Inter-breeding of wildlife**

- (1) A person must not, without the prior written approval of the Secretary—
- (a) permit different taxa of wildlife to inter-breed unless those taxa of wildlife are known to inter-breed in the wild;
  - (b) permit taxa of wildlife to inter-breed with another taxa of animal that is not wildlife;

##### **Example**

A dingo (*Canis lupus dingo*) may not be bred with a dog (*Canis lupis familiaris*) or dingo-dog hybrid.

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- (c) sell or dispose of cross-breeds of wildlife unless those cross-breeds are known to occur in the wild.

Penalty: 50 penalty units.

- (2) Subregulation (1) does not apply to a person who inter-breeds the taxa of wildlife listed in Parts A and C of Schedule 5 with other taxa of wildlife listed in Parts A and C of Schedule 5 and who sells or disposes of the resultant cross-breeds.
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**PART 4—EXEMPTIONS**

**47 Exemptions for registered veterinary practitioners from offences in the Act relating to the destruction of wildlife**

A registered veterinary practitioner who destroys wildlife in accordance with the **Prevention of Cruelty to Animals Act 1986** is exempt from the operation of sections 41, 43 and 44 of the Act, to the extent that those sections relate to the destruction of wildlife.

**48 Exemptions from offences in the Act relating to the destruction of protected wildlife**

- (1) A person who is a licensee, manager or operator of, or is employed in a licensed meat processing facility under the **Meat Industry Act 1993** is exempt from the operation of section 43 of the Act to the extent that section 43 relates to the destruction of protected wildlife in the circumstances set out in subregulation (2).
- (2) For the purposes of subregulation (1), the circumstances are that the wildlife is listed in Part A or Part C of Schedule 5 or in Schedule 7 and—
  - (a) the person destroys wildlife in a licensed meat processing facility under the **Meat Industry Act 1993**; and
  - (b) the wildlife has been bred in captivity; or
  - (c) is from a source approved by the Secretary.

**49 Exemptions from offences in the Act relating to protected wildlife**

- (1) A person who keeps, possesses, buys, sells, acquires, receives, displays or disposes of—
- (a) wildlife listed in Part A of Schedule 4; or
  - (b) infertile eggs of wildlife listed in Schedule 7—

is exempt from the operation of sections 45 and 47 of the Act, to the extent that sections 45 and 47 relates to the keeping, possessing, buying, selling, acquiring, receiving, displaying or disposing of that wildlife by the person in the circumstances set out in subregulation (2).

- (2) For the purposes of subregulation (1), the circumstances are that the keeping, possessing, buying, selling, acquiring, receiving, displaying or disposing of that wildlife is not for the purposes of hunting and the wildlife—
- (a) has been bred in captivity; or
  - (b) is from a source approved by the Secretary.
- (3) A person who breeds—
- (a) wildlife listed in Part A of Schedule 4; or
  - (b) infertile eggs of wildlife listed in Schedule 7—

is exempt from the operation of sections 45 and 47 of the Act, to the extent that sections 45 and 47 relate to the breeding of that wildlife by the person in the circumstances set out in subregulation (4).

- (4) For the purposes of subregulation (3), the circumstances are that the breeding of the wildlife is not for the purposes of hunting, and the wildlife is bred from specimens that—

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- (a) have been bred in captivity; or
  - (b) are from a source approved by the Secretary.
- (5) A person who keeps or possesses wildlife listed in Part B of Schedule 4 is exempt from the operation of section 47 of the Act, to the extent that section 47 relates to the keeping or possessing of that wildlife by the person if the wildlife has been bred in captivity or is from a source approved by the Secretary.
- (6) A person who breeds wildlife listed in Part B of Schedule 4, is exempt from the operation of section 47 of the Act, to the extent that section 47 relates to the breeding of that wildlife by the person, if the wildlife is bred from specimens that have been bred in captivity or that are from a source approved by the Secretary.
- (7) A person who buys, acquires, sells or disposes of wildlife listed in Part B of Schedule 4 for non-commercial purposes and does not sell the wildlife from a shop or business premises, is exempt from the operation of section 47 of the Act, to the extent that section 47 relates to the buying, acquiring, selling or disposing of that wildlife by the person if the wildlife has been bred in captivity or is from a source approved by the Secretary.
- (8) A person who sells or disposes of wildlife listed in Part B of Schedule 4, is exempt from the operation of section 47 of the Act, to the extent that section 47 relates to the sale or disposal if—
- (a) the wildlife is sold to the holder of a Wildlife Dealer Licence; and
  - (b) the person selling the wildlife has been provided by the person acquiring the wildlife with evidence of the acquirer's identity and
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of the acquirer's Wildlife Dealer Licence;  
and

- (c) the wildlife has been bred in captivity; or
  - (d) is from a source approved by the Secretary.
- (9) A person who acquires, receives, possesses, buys, sells, displays, disposes of or processes (other than for the purposes of taxidermy) wildlife listed in Part A or Part C of Schedule 5 is exempt from the operation of section 47 of the Act, to the extent that section 47 relates to the acquiring, receiving, possessing, buying, selling, displaying, disposing of or processing (other than for the purposes of taxidermy) of that wildlife by the person, if the wildlife has been bred in captivity or is from a source approved by the Secretary.
- (10) A person who breeds (other than for the purposes of taxidermy) wildlife listed in Part A or Part C of Schedule 5 is exempt from the operation of section 47 of the Act, to the extent that section 47 relates to the breeding (other than for the purposes of taxidermy) of that wildlife by that person, if the wildlife is bred from specimens that have been bred in captivity or that are from a source approved by the Secretary.
- (11) A person who possesses, buys or sells—
- (a) parts of wildlife listed in Part B of Schedule 5 in any form; or
  - (b) the shells of the eggs of emus (*Dromaius novaehollandiae*)—
- that have been processed (but not taxidermied) in accordance with the Act or the corresponding law of another State or a Territory of the Commonwealth is exempt from the operation of section 47 of the Act, to the extent that section 47 relates to the possessing, buying or selling of that
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wildlife by the person if that wildlife has, or the shells of the eggs are from emus that have been bred in captivity or are from a source approved by the Secretary.

**50 Exemptions from offences in the Act for the purpose of treating sick, injured or abandoned wildlife**

- (1) A person who temporarily possesses a specimen of sick, injured or abandoned wildlife for the purpose of transporting it to—
- (a) a registered veterinary practitioner; or
  - (b) a person who is the holder of an authorisation under section 28A(f) of the Act—

is exempt from the operation of sections 45 and 47 of the Act to the extent that sections 45 and 47 relate to the possession of that wildlife for that purpose.

- (2) A registered veterinary practitioner who temporarily possesses sick, injured or abandoned wildlife for the purpose of administering veterinary treatment to the wildlife, is exempt from the operation of sections 45 and 47 of the Act to the extent that section 45 and 47 relate to the possession of that wildlife for that purpose by the practitioner.

**51 Exemptions from offences relating to threatened and protected wildlife for the Zoological Parks and Gardens Board**

The Zoological Parks and Gardens Board established under the **Zoological Parks and Gardens Act 1995** is exempt from the operation of sections 45 and 47 of the Act.

**52 Exemptions from offences relating to possessing threatened and protected wildlife for the purposes of conveying and transporting the wildlife**

- (1) A person who possesses wildlife for the purposes of transporting it on behalf of, or at the request of, a holder of a wildlife licence is exempt from the operation of sections 45 and 47, to the extent that sections 45 and 47 relate to the possession of wildlife, in the circumstances set out in subregulation (2).
- (2) For the purposes of subregulation (1), the circumstances are that the person has a letter of authorisation or delivery docket that has been provided by the licence holder which the person reasonably believes states—
  - (a) the name and address and wildlife licence number (if any) of the owner of the wildlife; and
  - (b) the name and address and wildlife licence number (if any) of the person to whom the wildlife is being consigned; and
  - (c) the common name (where provided in the relevant Schedule to these Regulations, if any) of each taxon of wildlife that is being consigned; and
  - (d) the number of specimens of each taxon of wildlife being conveyed or transported; and
  - (e) the date on which the wildlife is being conveyed or transported.



**53 Exemptions from offences relating to possessing threatened and protected wildlife for persons possessing cast, shed or sloughed products of wildlife**

A person who possesses cast or shed wildlife feathers, sloughed skins of reptiles or cast antlers of deer, is exempt from the operation of sections 45 and 47 of the Act to the extent that sections 45 and 47 relate to the possession of that product by the person.

**54 Exemptions from import and export permit requirements in the Act**

For the purposes of section 50(1A) of the Act, the following wildlife and wildlife products are prescribed—

- (a) wildlife listed in Part A of Schedule 4; and
  - (b) cast or shed wildlife feathers, sloughed skins of reptiles or cast antlers of deer; and
  - (c) any of the following that have been processed (but not taxidermied) in accordance with the Act or with a corresponding law of another State or of a Territory of the Commonwealth—
    - (i) parts of wildlife listed in Part B of Schedule 5 in any form;
    - (ii) the shells of eggs of emus (*Dromaius novaehollandiae*); and
    - (iii) dead game that has been obtained in a legal manner from a legal source.
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**PART 5—PRIVATE WILDLIFE LICENCES**

**55 Conditions of any Wildlife Basic Licence and any Wildlife Advanced Licence**

It is a condition of any Wildlife Basic Licence and of any Wildlife Advanced Licence that the licence holder must not—

- (a) sell or dispose of any wildlife which the licence holder bought or acquired that has not been in the possession of the licence holder for at least six months, without the prior written approval of the Secretary; or
- (b) sell or dispose of wildlife from a shop or business premises; or
- (c) sell or dispose of wildlife for commercial purposes from the premises specified on the licence; or
- (d) buy or acquire wildlife from a person unless that person—
  - (i) holds a wildlife licence that authorises that person to sell or dispose of that wildlife; or
  - (ii) is an exempt person for the purposes of selling or disposing of any such wildlife; or
  - (iii) has obtained the prior written approval of the Secretary; or
- (e) sell or dispose of wildlife to a person unless that person—
  - (i) holds a wildlife licence that authorises that person to buy or acquire that wildlife; or

- (ii) is an exempt person for the purposes of selling or disposing of any such wildlife; or
  - (iii) has obtained the prior written approval of the Secretary; or
- (f) in the case of wildlife listed in Schedule 7, sell or dispose of that wildlife to any person unless that person—
- (i) is the holder of a Wildlife Basic Licence; or
  - (ii) is the holder of a Wildlife Advanced Licence; or
  - (iii) has obtained the prior written approval of the Secretary; or
- (g) possess or keep more than 10 specimens of wildlife listed in Schedule 7, other than specimens of those wildlife that are less than four weeks old or the eggs of those wildlife.

#### **56 Conditions of a Wildlife Specimen Licence**

It is a condition of any Wildlife Specimen Licence that the licence holder must not enter into a transaction with a person to buy, acquire, sell or dispose of wildlife unless the person—

- (a) holds a wildlife licence that authorises that person to buy, acquire, sell or dispose of that wildlife; or
  - (b) is an exempt person for the purposes of buying, acquiring, selling or disposing of such wildlife; or
  - (c) has obtained the prior written approval of the Secretary.
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### **57 Conditions of a Dingo Licence**

- (1) It is a condition of any Dingo Licence that the licence holder must not—
  - (a) sell or dispose of any dingo from a shop or business premises; or
  - (b) sell or dispose of any dingo for commercial purposes from the premises specified on the licence; or
  - (c) buy, acquire, sell or dispose of any dingo from a person unless that person—
    - (i) is the holder of a Dingo Licence that authorises that person to buy, acquire, sell or dispose of that dingo; or
    - (ii) is the holder of a Wildlife Displayer Licence; or
    - (iii) has obtained the prior written approval of the Secretary;
  - (d) sell, lend, trade, consign or dispose of any dingo pups less than seven weeks of age.
- (2) It is a condition of any Dingo Licence that the licence holder must—
  - (a) not keep dingoes at an address not specified in the licence, other than—
    - (i) for the purposes of exercising or obedience training; or
    - (ii) for any other purpose as approved by the Secretary;
  - (b) only keep dingoes in permanent and fixed enclosures that are—
    - (i) child-proof; and

- (ii) of sufficiently secure design and construction to prevent escape of dingoes and prevent unauthorised access to dingoes; and
  - (c) ensure the dingo enclosures are constructed prior to application for the Dingo Licence and the acquiring of dingoes under the licence; and
  - (d) not allow dingoes to be handled by persons other than the licence holder without the prior written approval of the Secretary; and
  - (e) ensure that all dingoes that are over seven weeks of age are durably marked for identification purposes with either a microchip, or tattoo located in the inner ear flap or groin of the animal using an inert dye, or by any other technique approved by the Secretary; and
  - (f) ensure that, when outside the premises specified in the licence, any dingo must wear a collar around its neck with an identification disc attached to the collar which clearly states the name and address of the licence holder and the licence number; and
  - (g) ensure that dingoes are effectively confined to an enclosure, or when outside an enclosure, are effectively controlled at all times by a physical means of restraint including through use of a chain, cord, leash or harness, even within a designated "off-lead" area; and
  - (h) ensure that persons under 16 years of age are not allowed unsupervised access to dingoes at any time; and
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- (i) in the event of the escape of any dingoes, make all reasonable efforts to recapture, humanely destroy or otherwise determine the fate of the escaped dingo.
  - (3) In this regulation, *tattoo* means a permanent mark that clearly and legibly displays an individual number.
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## **PART 6—COMMERCIAL WILDLIFE LICENCES**

### **Division 1—General**

#### **58 Conditions of all Commercial Wildlife Licences**

It is a condition of all Commercial Wildlife Licences that the licence holder must—

- (a) ensure that all employees of the licence holder are aware of the scope of activities which may be undertaken on behalf of the licence holder under the wildlife licence; and
- (b) provide a copy of the wildlife licence to an employee before that employee can undertake any activity on behalf of the licence holder under that licence.

#### **59 Commercial Wildlife Licence to apply to single premise**

A Commercial Wildlife Licence only applies to a single premise listed on that licence.

#### **60 Condition of certain Commercial Wildlife Licences to display signs**

It is a condition of any Commercial Wildlife Licence, except a Wildlife Controller Licence, that the licence holder must—

- (a) at all times display a sign or signs stating the following words—
  - (i) "The wildlife on these premises are possessed under a licence issued under the **Wildlife Act 1975**"; and
  - (ii) "Wildlife must not be taken from the wild without a licence, permit or authority issued under the **Wildlife Act 1975**"; and

- (b) ensure that signs which are required by paragraph (a)—
  - (i) are positioned at the main entrance to the premises specified in the licence; and
  - (ii) are in a position that is obvious and easily readable for all visitors to the premises or wildlife display or wildlife demonstration; and
  - (iii) have a white background, with the lettering on such signs in black block type of not less than 30 millimetres in height; and
  - (iv) are maintained in good condition so that they are easily readable at all times.

**61 Employees of certain Commercial Wildlife Licences must carry copy of licence**

An employee of a holder of any Wildlife Demonstrator Licence or of any Wildlife Controller Licence must carry a legible copy of his or her employer's licence when undertaking any activity under that licence.

Penalty: 5 penalty units.

**62 Specified premises**

- (1) It is a condition of a specified wildlife licence that the holder of the licence must not keep any wildlife at any premises that is not specified in the licence without the prior written approval of the Secretary.
  - (2) For the purposes subregulation (1), *specified wildlife licence* means a wildlife licence that is not—
    - (a) a Wildlife Demonstrator Licence; or
    - (b) a Wildlife Controller Licence; or
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- (c) a Wildlife Displayer Licence; or
- (d) a Wildlife Farmer Licence.

## **Division 2—Conditions of Wildlife Controller Licences**

### **63 Conditions of any Wildlife Controller Licence**

- (1) It is a condition of any Wildlife Controller Licence that the licence holder must—
  - (a) not take or destroy wildlife on land without the prior written approval of the owner or occupier of that land; and
  - (b) not use equipment that is not specified in the licence for taking or destroying wildlife; and
  - (c) attach a clear label to all equipment specified in the licence used in connection with the licence specifying the appropriate wildlife licence number; and
  - (d) not sell or dispose of wildlife to persons or organisations not specified in the licence unless with the prior written approval of the Secretary; and
  - (e) not sell or dispose of wildlife to persons or organisations not specified in the licence unless with the prior written approval of the Secretary; and
  - (f) ensure that the owner or occupier of the land who employs the licence holder to take or destroy wildlife listed in Schedule 6, holds an authorisation issued under Part IIIA of the Act unless—
    - (i) the wildlife is declared by the Governor in Council to be unprotected in that area; or
    - (ii) the licence holder is taking or destroying reptiles; and

- (g) not display to the public, either directly or indirectly, the wildlife or the operations undertaken in accordance with the licence.
- (2) It is a condition of any Wildlife Controller Licence that—
- (a) in the case of a licence holder that is a natural person, the licence holder is present when an employee of the licence holder takes wildlife from the wild; or
  - (b) in the case of a licence holder that is not a natural person, the natural person referred to under regulation 20(1)(b)(v) or regulation 21(2) is present when an employee of the licence holder takes wildlife from the wild.

**64 Condition of a Wildlife Controller Licence which authorises the taking of certain birds from the wild**

- (1) In the case of a Wildlife Controller Licence that authorises the taking of birds from the wild for sale or disposal, it is a condition of the licence that the licence holder must—
- (a) place a mark, in a form approved by the Secretary, on any bird taken from the wild before the bird is moved from the place at which it was taken; and
  - (b) pay to the Secretary the appropriate royalty specified in regulation 74 for each bird taken.
- (2) In this regulation, *bird* means Sulphur-crested Cockatoos, Galahs or Long-billed Corellas.

**Division 3—Conditions of Wildlife Dealer Licences**

**65 Conditions of a Wildlife Dealer Licence**

- (1) It is a condition of any Wildlife Dealer Licence that the licence holder must—
  - (a) display at all times on each enclosure at the premises specified in the licence which contains wildlife, a sign which gives the following details—
    - (i) the common name as used in the Schedules of all the taxa of wildlife contained in that enclosure; and
    - (ii) the details of the category of licence that must be held by any purchaser of that wildlife; and
  - (b) provide to each person who buys or accepts wildlife from the licence holder, printed information in a form approved by the Secretary that outlines the requirements for the proper feeding, care, housing and welfare of the taxa of wildlife bought or accepted; and
  - (c) not charge a fee for the display of wildlife to the public; and
  - (d) not buy or acquire wildlife listed in Part B of Schedule 4 from a person unless the person produces evidence of the person's identity; and
  - (e) if buying or acquiring wildlife listed in Part B of Schedule 4, enter all details of the transaction in the record book supplied by the Secretary.

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- (2) It is a condition of any Wildlife Dealer Licence that the licence holder must not enter into a transaction with a person to buy, acquire, sell or dispose of wildlife unless the person—
- (a) holds a wildlife licence that authorises that person to buy, acquire, sell or dispose of that wildlife; or
  - (b) is an exempt person for the purposes of buying, acquiring, selling or disposing of any such wildlife; or
  - (c) has obtained prior written approval of the Secretary.
- (3) It is a condition of any Wildlife Dealer Licence that the licence holder must, in the case of wildlife which dies while in the possession of the licence holder—
- (a) sell or dispose of the dead wildlife to the holder of a Wildlife Taxidermist Licence; or
  - (b) dispose of the dead wildlife by incineration or burial; and
- (4) A person who is not an employee of the holder of a wildlife licence who cares for wildlife on behalf of the licence holder does not commit an offence under the Act or these regulations if the person is acting under the immediate supervision of the licence holder or an employee of the licence holder.
- (5) The holder of a Wildlife Dealer Licence may, with prior written approval of the Secretary, display the wildlife referred to in the licence to the public at premises other than those specified in the licence for the purpose of promoting the licence holder's business.
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**Division 4—Conditions of Wildlife Demonstrator Licences**

**66 Conditions of a Wildlife Demonstrator Licence**

- (1) It is a condition of any Wildlife Demonstrator Licence that the licence holder must—
- (a) obtain the prior written approval of the Secretary before allowing the wildlife to be used in a commercial film;
  - (b) in the case of a licence issued for more than three months, give at least 5 demonstrations involving wildlife to the public in every 6 month period of the licence; and
  - (c) not sell or dispose of any wildlife which the licence holder bought or acquired that has been in the possession of the licence holder for less than 6 months, without the prior written approval of the Secretary.
  - (d) display wildlife in circumstances that minimise the chance of escape of any wildlife; and
  - (e) display wildlife in circumstances that minimise the risk of injury to any person or to the wildlife; and
  - (f) not allow dangerous or venomous wildlife to be handled by persons other than the licence holder without the prior written approval of the Secretary; and
  - (g) ensure that wildlife being demonstrated is under the direct supervision of the licence holder or an employee of the licence holder at all times while the wildlife is being demonstrated.

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- (2) It is a condition of any Wildlife Demonstrator Licence that the licence holder must not accept wildlife from any person as a gift without the prior written approval of the Secretary, unless the person offering the gift—
- (a) holds a wildlife licence that authorises that person to sell or dispose of that wildlife; or
  - (b) is an exempt person for the purposes of selling or disposing of any such wildlife.
- (3) It is a condition of any Wildlife Demonstrator Licence that the licence holder must, in the case of wildlife which dies while in the possession of the licence holder—
- (a) sell or dispose of the dead wildlife to the holder of a Wildlife Taxidermist Licence; or
  - (b) dispose of the dead wildlife by incineration or burial; or
  - (c) retain the dead wildlife.
- (4) It is a condition of any Wildlife Demonstrator Licence that the licence holder must not enter into a transaction with a person to buy, acquire, sell or dispose of wildlife unless the person—
- (a) holds a wildlife licence that authorises that person to buy, acquire, sell or dispose of that wildlife; or
  - (b) is an exempt person for the purposes of buying, acquiring, selling or disposing of any such wildlife; or
  - (c) has obtained the prior written approval of the Secretary.

## **Division 5—Conditions of Wildlife Displayer Licences**

### **67 Conditions of a Wildlife Displayer Licence**

- (1) It is a condition of any Wildlife Displayer Licence that the licence holder must—
  - (a) obtain the prior written approval of the Secretary before allowing wildlife to be used in a commercial film;
  - (b) open the display at the premises specified in the licence to the public for at least six hours per day during the daylight hours of at least 50 days in each of the following 6 month periods over a 12 month period—
    - (i) 1 October–31 March; and
    - (ii) 1 April–30 September;
  - (c) within 24 hours of opening and closing the display for public access, enter accurately, legibly and permanently the date and time of opening and closing in a log book or diary kept solely for this purpose; and
  - (d) ensure that the entire perimeter of the premises specified in the licence is enclosed by a fence that is of a sufficient height, strength and design that will prevent the escape of any wildlife held on the premises and prevent entry of persons not authorised by the licence holder; and
  - (e) display wildlife in circumstances that minimise the chance of escape of any wildlife; and
  - (f) display wildlife in circumstances that minimise the risk of injury to any person or to the wildlife; and

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- (g) not allow dangerous or venomous wildlife to be handled by persons other than the licence holder without the prior written approval of the Secretary; and
  - (h) ensure that wildlife being displayed is under the direct supervision of the licence holder or an employee of the licence holder at all times while the display is open to the public; and
  - (i) not commence construction of a new enclosure or alterations to an existing enclosure that might impact on the welfare of wildlife without prior written approval of the Secretary.
- (2) It is a condition of any Wildlife Displayer Licence that the licence holder must not accept wildlife from any person as a gift without the prior written approval of the Secretary, unless the person offering the gift—
- (a) holds a wildlife licence that authorises that person to sell or dispose of that wildlife; or
  - (b) is an exempt person for the purposes of selling or disposing of any such wildlife.
- (3) It is a condition of any Wildlife Displayer Licence that the licence holder must, in the case of wildlife which dies while in the possession of the licence holder—
- (a) sell or dispose of the dead wildlife to the holder of a Wildlife Taxidermist Licence; or
  - (b) dispose of the dead wildlife by incineration or burial; or
  - (c) retain the dead wildlife.
- (4) It is a condition of any Wildlife Displayer Licence that the licence holder must not enter into a transaction with a person to buy, acquire, sell or dispose of wildlife unless the person—
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- (a) holds a wildlife licence that authorises that person to buy, acquire, sell or dispose of that wildlife; or
  - (b) is an exempt person for the purposes of buying, acquiring, selling or disposing of any such wildlife; or
  - (c) has obtained the prior written approval of the Secretary.
- (5) A person who cares for wildlife on behalf of the licence holder does not commit an offence under the Act or regulations if the person is acting under the immediate supervision of the licence holder or an employee of the licence holder.

**Division 6—Conditions of Game Bird Farmer Licences, Wildlife Processor Licences and Wildlife Farmer Licences**

**68 Condition of a Game Bird Farmer Licence, Wildlife Processor Licence and Wildlife Farmer Licence**

It is a condition of a Game Bird Farmer Licence, Wildlife Processor Licence and Wildlife Farmer Licence that the licence holder must not process for the purpose of preparing and mounting, or restoring, parts or complete specimens of wildlife in a manner which could be regarded as taxidermy.

**69 Conditions of a Game Bird Farmer Licence and Wildlife Processor Licence**

It is a condition of a Game Bird Farmer Licence and Wildlife Processor Licence that the licence holder must not rent, hire, or use for promotional purposes, parts or complete specimens of wildlife at places other than at the premises specified in the licence.

**70 Conditions of a Game Bird Farmer Licence**

- (1) It is a condition of any Game Bird Farmer Licence that the licence holder must—
  - (a) ensure that the wildlife have been bred and raised by the licence holder or have been bred in captivity; and
  - (b) not release wildlife in an area in the premises specified in the licence that is less than 100 hectares; and
  - (c) not enter into a transaction with a person to buy, acquire, sell or dispose of wildlife unless the person—
    - (i) holds a wildlife licence that authorises that person to buy, acquire, sell or dispose of that wildlife; or
    - (ii) is an exempt person for the purposes of buying, acquiring, selling or disposing of any such wildlife; or
    - (iii) has obtained the prior written approval of the Secretary.
- (2) A person who cares for wildlife on behalf of the licence holder does not commit an offence under the Act or regulations if the person is acting under the immediate supervision of the licence holder or an employee of the licence holder.

**71 Conditions of a Wildlife Processor Licence**

- (1) It is a condition of any Wildlife Processor Licence that the licence holder must ensure that the wildlife has been bred in captivity or taken in accordance with the Act or the relevant law of another State or Territory of the Commonwealth.
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- (2) It is a condition of any Wildlife Processor Licence that the licence holder must not enter into a transaction with a person to buy, acquire, sell or dispose of wildlife unless the person—
- (a) holds a wildlife licence that authorises that person to buy, acquire, sell or dispose of that wildlife; or
  - (b) is an exempt person for the purposes of buying, acquiring, selling or disposing of any such wildlife; or
  - (c) has obtained the prior written approval of the Secretary.

## **72 Conditions of a Wildlife Farmer Licence**

- (1) It is a condition of any Wildlife Farmer Licence that the licence holder must—
- (a) not rent or hire parts or complete specimens of wildlife; and
  - (b) in the case of a licence holder who is a natural person, ensure that the premises specified in the licence are under the direct supervision of the licence holder or an employee of the licence holder at all times while any activities relating to destroying and processing of wildlife are taking place; and
  - (c) in the case of a licence holder who is not a natural person, the natural person referred to under regulation 20(1)(b)(v) or regulation 21(2), as the case applies, is present while any activities relating to destroying and processing of wildlife are taking place; and
  - (d) ensure that any wildlife destroyed under the licence is destroyed humanely so as to cause sudden and painless death; and
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- (e) ensure that any facilities for destroying or processing wildlife are situated on the premises specified in the licence in such a place and manner that wildlife held under the licence elsewhere on those premises, are not disturbed by those activities.
- (2) It is a condition of any Wildlife Farmer Licence that the licence holder must not, without the prior written approval of the Secretary, buy or acquire wildlife from any person other than—
  - (a) the holder of a Wildlife Farmer Licence; or
  - (b) the holder of a Wildlife Dealer Licence.
- (3) It is a condition of any Wildlife Farmer Licence that the licence holder must not, without the prior written approval of the Secretary, sell or dispose of wildlife to any person other than—
  - (a) the holder of a Wildlife Farmer Licence; or
  - (b) the holder of a Wildlife Dealer Licence; or
  - (c) the holder of a Wildlife Processor Licence or a Wildlife Taxidermist Licence if the wildlife is dead; or
  - (d) the holder of a Wildlife Basic Licence or Wildlife Advanced Licence; or
  - (e) an exempt person for the purposes of buying or acquiring any such wildlife.

#### **Division 7—Conditions of Wildlife Taxidermist Licences**

##### **73 Conditions of a Wildlife Taxidermist Licence**

- (1) It is a condition of any Wildlife Taxidermist Licence that the licence holder must—
    - (a) obtain the prior written approval of the Secretary before allowing wildlife to be used in a commercial film;
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- (b) not charge a fee for the display of wildlife to the public;
  - (c) not display the wildlife specified in the licence to the public at premises other than those specified in the licence for the purpose of promoting the licence holder's business without prior written approval of the Secretary.
- (2) It is a condition of any Wildlife Taxidermist Licence that the licence holder must not enter into a transaction with a person to buy, acquire, sell or dispose of wildlife unless the person—
- (a) holds a wildlife licence that authorises that person to buy, acquire, sell or dispose of that wildlife; or
  - (b) is an exempt person for the purposes of buying, acquiring, selling or disposing of any such wildlife; or
  - (c) has obtained the prior written approval of the Secretary.
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**PART 7—ROYALTIES**

**74 Royalties**

For the purposes of regulation 64, the appropriate royalty payable in respect of the taking from the wild of the classes of wildlife specified in column 2 of the following table, is set out opposite each particular class of wildlife in column 3 of the Table—

**TABLE**

Column 1 <i>Wildlife specimen</i>	Column 2 <i>Royalty payable</i>
Sulphur-crested Cockatoo	\$5
Galah	\$5
Long-billed Corella	\$5

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**SCHEDULE**

**SCHEDULE 1**

Regulations 19(1), (2) and (3), and 37(1)(b)

**FEEES**

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Column 1	Column 2	Column 3
<i>Item Number</i>	<i>Licence Category</i>	<i>Annual Fee</i>
1	Wildlife Basic Licence	6·7 fee units
2	Wildlife Advanced Licence	12·4 fee units
3	Wildlife Specimen Licence	0·8 fee units
4	Dingo Licence	12·4 fee units
5	Wildlife Controller Licence	30·1 fee units
6	Wildlife Dealer Licence	57·2 fee units
7	Wildlife Demonstrator Licence	37·3 fee units
8	Wildlife Displayer Licence	51·3 fee units
9	Game Bird Farmer Licence	49·2 fee units
10	Wildlife Processor Licence	49·2 fee units
11	Wildlife Farmer Licence	49·2 fee units
12	Wildlife Taxidermist Licence	40·7 fee units

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**SCHEDULE 2**

Regulations 7, 8, 12, 13, 18(a)(i) and (b)(i), and 37(1)(b)

**TAXA OF WILDLIFE THAT MAY BE HELD BY HOLDERS  
OF THE APPROPRIATE LICENCE FOR PRIVATE OR  
CERTAIN COMMERCIAL PURPOSES**

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Column 1	Column 2	
<i>Item Number</i>	<b>Birds</b>	
1	Brown Quail	<i>Coturnix ypsilophora</i>
2	Little Button-quail	<i>Turnix velox</i>
3	Red-backed Button-quail	<i>Turnix maculosa</i>
4	Painted Button-quail	<i>Turnix varia</i>
5	Black-breasted Button-quail	<i>Turnix melanogaster</i>
6	Red-chested Button-quail	<i>Turnix pyrrhotorax</i>
7	Chestnut-backed Button-quail	<i>Turnix castanota</i>
8	Bar-shouldered Dove	<i>Geopelia humeralis</i>
9	Flock Bronzewing	<i>Phaps histrionica</i>
10	White-headed Pigeon	<i>Columba leucomela</i>
11	Brush Bronzewing	<i>Phaps elegans</i>
12	Spinifex Pigeon	<i>Geophaps plumifera</i>
13	Squatter Pigeon	<i>Geophaps scripta</i>
14	Partridge Pigeon	<i>Geophaps smithii</i>
15	Rose-crowned Fruit-Dove	<i>Ptilinopus regina</i>
16	Brown Cuckoo-Dove	<i>Macropygia amboinensis</i>
17	Pied Imperial-Pigeon	<i>Ducula bicolor</i>
18	Topknot Pigeon	<i>Lopholaimus antarcticus</i>
19	Wonga Pigeon	<i>Leucosarcia melanoleuca</i>
20	Pacific Black Duck	<i>Anas superciliosa</i>
21	Grey Teal	<i>Anas gracilis</i>
22	Chestnut Teal	<i>Anas castanea</i>
23	Australasian Shoveler	<i>Anas rhynchotis</i>
24	Maned Duck	<i>Chenonetta jubata</i>
25	Cape Barren Goose	<i>Cereopsis novaehollandiae</i>
26	Australian Shelduck	<i>Tadorna tadornoides</i>
27	Magpie Goose	<i>Anseranas semipalmata</i>
28	Hardhead	<i>Aythya australis</i>
29	Wandering Whistling-Duck	<i>Dendrocygna arcuata</i>

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Column 1 <i>Item Number</i>	Column 2 <b>Birds</b>	
30	Plumed Whistling-Duck	<i>Dendrocygna eytoni</i>
31	Radjah Shelduck	<i>Tadorna radjah</i>
32	Pink-eared Duck	<i>Malacorhynchus membranaceus</i>
33	Black Swan	<i>Cygnus atratus</i>
34	Black-tailed Native-hen	<i>Gallinula ventralis</i>
35	Mulga Parrot	<i>Psephotus varius</i>
36	Superb Parrot	<i>Polytelis swainsonii</i>
37	Regent Parrot South East subspecies	<i>Polytelis anthopeplus monarchoides</i>
38	Regent Parrot Western Australian subspecies	<i>Polytelis anthopeplus anthopeplus</i>
39	Red-capped Parrot	<i>Purpureicephalus spurius</i>
40	Rosellas— all kinds, except Western Rosella	<i>Platycercus species except Platycercus icterotis</i>
41	Australian Ringneck	<i>Barnardius zonarius</i> <i>All species except Barnardius zonarius semitorquatus</i>
42	Blue Bonnet all kinds, except southern Western Australian form <i>narethae</i>	<i>Northiella haematogaster except Northiella haematogaster narethae</i>
43	Blue-winged Parrot	<i>Neophema chrysostoma</i>
44	Rock Parrot	<i>Neophema petrophila</i>
45	Australian King-Parrot	<i>Alisterus scapularis</i>
46	Red-winged Parrot	<i>Aprosmictus erythropterus</i>
47	Golden-shouldered Parrot	<i>Psephotus chrysopterygius</i>
48	Eclectus Parrot (red-sided) Australian subspecies only	<i>Eclectus roratus macgillivrayi</i>
49	Red-collared Lorikeet <i>rubitorquis</i>	<i>Trichoglossus haematodus</i>
50	Varied Lorikeet	<i>Psitteuteles versicolor</i>
51	Little Lorikeet	<i>Glossopsitta pusilla</i>
52	Purple-crowned Lorikeet	<i>Glossopsitta porphyrocephala</i>

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Column 1 <i>Item Number</i>	Column 2 <b>Birds</b>	
53	Masked Finch	<i>Poephila personata</i>
54	Black-throated Finch	<i>Poephila cincta</i>
55	Diamond Firetail	<i>Stagonopleura guttata</i>
56	Red-browed Finch	<i>Neochmia temporalis</i>
57	Crimson Finch	<i>Neochmia phaeton</i>
58	Plum-headed Finch	<i>Neochmia modesta</i>
59	Yellow-rumped Mannikin	<i>Lonchura flaviprymna</i>
60	Pictorella Mannikin	<i>Heteromunia pectoralis</i>
61	Red Wattlebird	<i>Anthochaera carunculata</i>
62	Silvereye	<i>Zosterops lateralis</i>
63	Banded Lapwing	<i>Vanellus tricolor</i>
64	Masked Lapwing	<i>Vanellus miles</i>
65	Australian Magpie	<i>Craticus tibicen</i>
66	Laughing Kookaburra	<i>Dacelo novaeguineae</i>
	<b>Reptiles</b>	
67	Broad-shelled River Turtle	<i>Chelodina expansa</i>
68	Oblong Turtle	<i>Chelodina oblonga</i>
69	Northern Snapping Turtle	<i>Eseya dentata</i>
70	Saw-shelled Turtle	<i>Wollumbinia latisternum</i>
71	Mary River Tortoise	<i>Elusor macrurus</i>
72	Northern Spiny-tailed Gecko	<i>Strophurus ciliaris</i>
73	Western Stone Gecko	<i>Diplodactylus granariensis</i>
74	Eastern Stone Gecko	<i>Diplodactylus vittatus</i>
75	Tessellated Gecko	<i>Diplodactylus tessellatus</i>
76	Bynoe's Gecko	<i>Heteronotia binoei</i>
77	Desert Cave Gecko	<i>Heteronotia spelea</i>
78	Beaded Gecko	<i>Lucasium damaeum</i>
79	Northern Dtella	<i>Gehyra australis</i>
80	Tree Dtella	<i>Gehyra variegata</i>
81	Pale Knob-tailed Gecko	<i>Nephrurus laevissimus</i>
82	Smooth Knob-tailed Gecko	<i>Nephrurus levis</i>
83	Marbled Velvet Gecko	<i>Oedura marmorata</i>
84	Southern Spotted Velvet Gecko	<i>Oedura tryoni</i>
85	Southern Spiny-tailed Gecko	<i>Strophurus intermedius</i>
86	Thick-tailed Gecko	<i>Underwoodisaurus milii</i>
87	Bearded Dragon	<i>Pogona barbata</i>

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Column 1 <i>Item Number</i>	Column 2 <b>Reptiles</b>	
88	Jacky Lizard	<i>Amphibolurus muricatus</i>
89	Central Bearded Dragon	<i>Pogona vitticeps</i>
90	Eastern Water Dragon	<i>Physignathus lesueurii lesueurii</i>
91	Gippsland Water Dragon	<i>Physignathus lesueurii howittii</i>
92	Crested Dragon	<i>Ctenophorus cristatus</i>
93	Tawny Dragon	<i>Ctenophorus decresii</i>
94	Peninsula Dragon	<i>Ctenophorus fionni</i>
95	Western Netted Dragon	<i>Ctenophorus reticulatus</i>
96	Red-barred Dragon	<i>Ctenophorus vadrappa</i>
97	Central Military Dragon	<i>Ctenophorus isolepis</i>
98	Central Netted Dragon	<i>Ctenophorus nuchalis</i>
99	Mallee Military Dragon	<i>Ctenophorus fordi</i>
100	Painted Dragon	<i>Ctenophorus pictus</i>
101	Gilbert's Dragon	<i>Amphibolurus gilberti</i>
102	Long-nosed Water Dragon	<i>Amphibolurus longirostris</i>
103	Eyrean Earless Dragon	<i>Tympanocryptis tetraporophora</i>
104	Southern Angle-headed Dragon	<i>Hypsilurus spinipes</i>
105	Eastern Three-lined Skink	<i>Acritoscincus duperreyi</i>
106	Land Mullet	<i>Bellatorias major</i>
107	Garden Skink	<i>Lampropholis delicata</i>
108	Grass Skink	<i>Lampropholis guichenoti</i>
109	Southern Grass Skink	<i>Pseudemoia entrecasteauxii</i>
110	Red-throated Skink	<i>Acritoscincus platynota</i>
111	Eastern Water Skink	<i>Eulamprus quoyii</i>
112	Southern Water Skink subspecies only	<i>Eulamprus tympanum tympanum</i> subspecies only
113	Black Rock Skink	<i>Egernia saxatilis</i>
114	Gidgee Skink	<i>Egernia stokesii</i>
115	Bougainville's Skink	<i>Lerista bougainvillii</i>
116	Burrowing Skink	<i>Lerista picturata</i>
117	Boulenger's Skink	<i>Morethia boulengeri</i>
118	Spencer's Skink	<i>Pseudemoia spenceri</i>
119	Ocellated Skink	<i>Ctenotus pantherinus</i>
120	Regal Striped Skink	<i>Ctenotus regius</i>
121	Major Skink	<i>Egernia frerei</i>
122	Hosmer's Skink	<i>Egernia hosmeri</i>

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Column 1 <i>Item Number</i>	Column 2 <b>Reptiles</b>	
123	King's Skink	<i>Egernia kingii</i>
124	Centralian Ranges Rock-skink	<i>Liopholis margaretae</i>
125	Tree Skink	<i>Egernia striolata</i>
126	Narrow-banded Sand Swimmer	<i>Eremiascincus fasciolatus</i>
127	Ridge-tailed Monitor	<i>Varanus acanthurus</i>
128	Pygmy Mulga Monitor	<i>Varanus gilleni</i>
129	Mangrove Monitor	<i>Varanus indicus</i>
130	Merten's Water Monitor	<i>Varanus mertensi</i>
131	Storr's Monitor	<i>Varanus storri</i>
132	Black-headed Monitor	<i>Varanus tristis</i>
133	Lace Monitor	<i>Varanus varius</i>
134	Sand Monitor	<i>Varanus gouldii</i>
135	Burton's Snake-Lizard	<i>Lialis burtonis</i>
136	Common Scaly-foot	<i>Pygopus lepidopodus</i>
137	Eastern Hooded Scaly-foot	<i>Pygopus schraderi</i>
138	Western Hooded Scaly-foot	<i>Pygopus nigriceps</i>
139	Pink-tongued Lizard	<i>Cyclodomorphus gerrardii</i>
140	Centralian Blue-tongued Lizard	<i>Tiliqua multifasciata</i>
141	Western Blue-tongued Lizard	<i>Tiliqua occipitalis</i>
142	Shingle-Back Lizard	<i>Tiliqua rugosus</i>
143	Children's Python	<i>Antaresia childreni</i>
144	Spotted Python	<i>Antaresia maculosus</i>
145	Stimson's Python	<i>Antaresia stimsoni</i>
146	Water Python	<i>Liasis mackloti</i>
147	Olive Python	<i>Liasis olivaceus</i>
148	Black-headed Python	<i>Aspidites melanocephalus</i>
149	Australian Scrub Python	<i>Morelia kinghorni</i>
150	Carpet or Diamond Python including	<i>Morelia spilota</i>
	Diamond Python	<i>M. s. spilota</i>
	Centralian Carpet Python	<i>M. s. bredli</i>
	Top End Carpet Python	<i>M. s. variegata</i>
	Eastern Carpet Python	<i>M. s. mcdowellii</i>
	Jungle Carpet Python	<i>M. s. cheynei</i>
	Murray/Darling Carpet Python	<i>M. s. metcalfei</i>
	Western Carpet Python	<i>M. s. imbricata</i>
151	Keelback	<i>Tropidonophis mairii</i>
152	Common or Green Tree Snake	<i>Dendrelaphis punctulata</i>

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Column 1 <i>Item Number</i>	Column 2 <b>Reptiles</b>	
153	Slatey-grey Snake	<i>Stegonotus cucullatus</i>
154	Northern Tree Snake	<i>Dendrelaphis calligastra</i>
155	Woma Python	<i>Aspidites ramsayi</i>
156	Kreff's River Turtle	<i>Emydura krefftii</i>
157	Southern Legless Lizard	<i>Delma australis</i>
158	Olive Legless Lizard	<i>Delma inornata</i>
	<b>Amphibians</b>	
159	Water-holding Frog	<i>Cyclorana platycephala</i>
160	Eastern Dwarf Tree Frog	<i>Litoria fallax</i>
161	Dainty Green Tree Frog	<i>Litoria gracilentia</i>
162	Giant Tree Frog	<i>Litoria infrafronata</i>
163	Whistling Tree Frog	<i>Litoria verreauxii</i>
164	Peron's Tree Frog	<i>Litoria peronii</i>
165	Green Tree Frog	<i>Litoria caerulea</i>
166	Leseur's Frog	<i>Litoria lesueuri</i>
167	Blue Mountains Tree Frog	<i>Litoria citropa</i>
168	Leaf Green Tree Frog	<i>Litoria phyllochroa</i>
169	Leaf Green Tree Frog	<i>Litoria nudidigita</i>
170	Brown Striped Frog	<i>Limnodynastes peronii</i>
171	Great Barred Frog	<i>Mixophyes fasciolatus</i>
172	Giant Barred Frog	<i>Mixophyes iteratus</i>
173	Haswell's Frog	<i>Paracrinia haswelli</i>
174	Southern Smooth Froglet	<i>Geocrinia laevis</i>
175	Common Spadefoot Toad	<i>Neobatrachus sudelli</i>
	<b>Mammals</b>	
176	Common Brushtail Possum	<i>Trichosurus vulpecula</i>
177	Common Ringtail Possum	<i>Pseudocheirus peregrinus</i>
178	Sugar Glider	<i>Petaurus breviceps</i>
179	Fat-tailed Dunnart	<i>Sminthopsis crassicaudata</i>
180	Kowari	<i>Dasyuroides byrnei</i>
181	Tammar Wallaby	<i>Macropus eugenii</i>
182	Red-necked Wallaby	<i>Macropus rufogriseus</i>
183	Black Wallaby	<i>Wallabia bicolor</i>
184	Red-necked Pademelon	<i>Thylogale thetis</i>
185	Rufous-bellied Pademelon	<i>Thylogale billardieri</i>

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Column 1	Column 2
<i>Item Number</i>	<b>Mammals</b>
186	Red-legged Pademelon <i>Thylogale stigmatica</i>
187	Rufous Bettong <i>Aepyprymnus rufescens</i>
188	Southern Bettong <i>Bettongia gaimardi</i>
189	Common Wombat <i>Vombatus ursinus</i>
190	Plains Rat <i>Pseudomys australis</i>

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**SCHEDULE 3**

Regulations 8, 12, 13, 18(a)(i) and (b)(i), 20(1)(b)(ii) and 37(1)(b)

**TAXA OF WILDLIFE THAT MAY BE HELD BY HOLDERS  
OF THE APPROPRIATE LICENCE FOR PRIVATE OR  
CERTAIN COMMERCIAL PURPOSES**

**PART A**

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Column 1	Column 2	
<i>Item Number</i>	<b>Birds</b>	
1	Baudin's Black-Cockatoo	<i>Calyptorhynchus baudinii</i>
2	Carnaby's Black-Cockatoo	<i>Calyptorhynchus latirostris</i>
3	Yellow-tailed Black-Cockatoo (all taxa)	<i>Calyptorhynchus funereus</i> (all taxa)
4	Red-tailed Black-Cockatoo (all taxa except South-eastern)	<i>Calyptorhynchus banksii</i> (all taxa except graptogyne)
5	Gang-gang Cockatoo	<i>Callocephalon fimbriatum</i>
6	Major Mitchell Cockatoo (all taxa)	<i>Lophochroa leadbeateri</i> (all taxa)
7	Swift Parrot <i>Lathamus discolor</i>	
8	Blue Bonnet (southern Western Australian form <i>narethae</i> )	<i>Northiella haematogaster narethae</i>

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**PART B**

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Column 1	Column 2	
<i>Item Number</i>	<b>Birds</b>	
1	Double-eyed Fig-Parrot	<i>Cyclopsitta diophthalma</i>
2	Freckled Duck	<i>Stictonetta naevosa</i>
3	Cotton Pygmy-Goose	<i>Nettapus coromandelianus</i>
4	Green Pygmy-Goose	<i>Nettapus pulchellus</i>
5	Blue-billed Duck	<i>Oxyura australis</i>
6	Musk Duck	<i>Biziura lobata</i>
7	Superb Fruit-Dove	<i>Ptilinopus superbus</i>
8	Wompoo Fruit-Dove	<i>Ptilinopus magnificus</i>
9	Superb Fairy-wren	<i>Malurus cyaneus</i>

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Column 1 <i>Item Number</i>	Column 2 <b>Birds</b>	
10	Splendid Fairy-wren	<i>Malurus splendens</i>
11	Variegated Fairy-wren	<i>Malurus lamberti</i>
12	White-winged Fairy-wren	<i>Malurus leucopterus</i>
13	Spotted Pardalote	<i>Pardalotus punctatus</i>
14	Beautiful Firetail	<i>Stagonopleura bella</i>
15	Red-eared Firetail	<i>Stagonopleura oculata</i>
16	Scarlet Honeyeater	<i>Myzomela sanguinolenta</i>
17	Crimson Chat	<i>Epthianura tricolor</i>
18	White-fronted Chat	<i>Epthianura albifrons</i>
19	White-quilled Rock-Pigeon	<i>Petrophassa albipennis</i>
20	Chestnut-quilled Rock Pigeon	<i>Petrophassa rufipennis</i>
21	White-browed Woodswallow	<i>Artamus superciliosus</i>
	<b>Reptiles</b>	
22	Saltwater Crocodile	<i>Crocodylus porosus</i>
23	Freshwater Crocodile	<i>Crocodylus johnstoni</i>
24	Brook's Striped Skink	<i>Ctenotus brooksi</i>
25	Schomburgk's Skink	<i>Ctenotus schomburgkii</i>
26	Fat-tailed Gecko	<i>Diplodactylus conspicillatus</i>
27	Jewelled Gecko	<i>Strophurus elderi</i>
28	Giant Cave Gecko	<i>Pseudothecadactylus lindneri</i>
29	Beaked Gecko	<i>Rhynchoedura ornata</i>
30	Centralian Knob-tailed Gecko	<i>Nephrurus amyae</i>
31	Prickly Knob-tailed Gecko	<i>Nephrurus asper</i>
32	Golden-tailed Gecko	<i>Strophurus taenicauda</i>
33	Rough-throated Leaf- tail Gecko	<i>Saltuarius salebrosus</i>
34	Southern Leaf-tailed Gecko	<i>Saltuarius swaini</i>
35	Frilled Lizard	<i>Chlamydosaurus kingii</i>
36	Boyd's Forest Dragon	<i>Hypsilurus boydii</i>
37	Downs Bearded Dragon	<i>Pogona henrylawsoni</i>
38	Short-tailed Pygmy Monitor	<i>Varanus brevicauda</i>
39	Stripe-tailed Monitor	<i>Varanus caudolineatus</i>
40	Spotted Tree Monitor	<i>Varanus scalaris</i>
41	Spencer's Monitor	<i>Varanus spenceri</i>
42	Green Python	<i>Morelia viridis</i>



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Column 1 <i>Item Number</i>	Column 2 <b>Reptiles</b>	
43	Pygmy Python	<i>Antaresia perthensis</i>
44	Rough-scaled Python	<i>Morelia carinata</i>
45	Common Death Adder	<i>Acanthophis antarcticus</i>
46	Northern Death Adder	<i>Acanthophis praelongus</i>
47	Desert Death Adder	<i>Acanthophis pyrrhus</i>
48	Lowland Copperhead	<i>Austrelaps superbis</i>
49	Stephen's Banded Snake	<i>Hoplocephalus stephensii</i>
50	Black Tiger Snake	<i>Notechis ater</i>
51	Tiger Snake	<i>Notechis scutatus</i>
52	Taipan	<i>Oxyuranus scutellatus</i>
53	Fierce Snake	<i>Oxyuranus microlepidotus</i>
54	Mulga Snake	<i>Pseudechis australis</i>
55	Collett's Snake	<i>Pseudechis colletti</i>
56	Spotted Black Snake	<i>Pseudechis guttatus</i>
57	Red-bellied Black Snake	<i>Pseudechis porphyriacus</i>
58	Dugite	<i>Pseudonaja affinis</i>
59	Speckled Brown Snake	<i>Pseudonaja guttata</i>
60	Western Brown Snake (Gwardar)	<i>Pseudonaja mengdeni</i>
61	Eastern Brown Snake	<i>Pseudonaja textilis</i>
62	Yellow-faced Whip Snake	<i>Demansia psammophis</i>
63	Eastern Small-eyed Snake	<i>Cryptophis nigrescens</i>
64	Curl Snake	<i>Suta suta</i>
65	White-lipped Snake	<i>Drysdalia coronoides</i>
66	Little Whip Snake	<i>Parasuta flagellum</i>
67	Mitchell's Short-tailed Snake	<i>Parasuta nigriceps</i>
68	Brown Tree Snake	<i>Boiga irregularis</i>
69	Arafura File Snake	<i>Acrochordus arafurae</i>
70	Northern Snake-necked Turtle	<i>Chelodina rugosa</i>
71	Steindachner's Turtle	<i>Chelodina steindachneri</i>
72	Pig-nosed Turtle	<i>Carettochelys insulpta</i>
73	Painted Turtle Jardine River Turtle only	<i>Emydura subglobosa</i> <i>subglobosa</i>
<b>Mammals</b>		
74	Common Wallaroo (Euro)	<i>Macropus robustus</i>
75	Western Grey Kangaroo	<i>Macropus fuliginosus</i>

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Column 1 <i>Item Number</i>	Column 2 <b>Mammals</b>	
76	Kangaroo Island Kangaroo	<i>Macropus fuliginosus fuliginosus</i>
77	Eastern Grey Kangaroo	<i>Macropus giganteus</i>
78	Red Kangaroo	<i>Macropus rufus</i>
79	Agile Wallaby	<i>Macropus agilis</i>
80	Parma Wallaby	<i>Macropus parma</i>
81	Black-striped Wallaby	<i>Macropus dorsalis</i>
82	Quokka	<i>Setonix brachyurus</i>
83	Long-nosed Potoroo	<i>Potorous tridactylus</i>
84	Brush-tailed Bettong	<i>Bettongia pencillata</i>
85	Feathertail Glider	<i>Acrobates pygmaeus</i>
86	Squirrel Glider	<i>Petaurus norfolcensis</i>
87	Southern Brown Bandicoot	<i>Isodon obesulus</i>
88	Eastern Quoll	<i>Dasyurus viverrinus</i>
89	Spot-tailed Quoll	<i>Dasyurus maculatus</i>
	<b>Amphibians</b>	
90	Green and Golden Bell Frog	<i>Litoria aurea</i>
91	Growling Grass Frog	<i>Litoria raniformis</i>
92	Southern Toadlet	<i>Pseudophryne semimarmorata</i>
93	Giant Burrowing Frog	<i>Heleioporus australiacus</i>
94	Red-eyed Tree Frog	<i>Litoria chloris</i>
95	Orange-Thighed Frog	<i>Litoria xanthomera</i>
96	Roth's Tree Frog	<i>Litoria rothii</i>
97	Northern Dwarf Tree Frog	<i>Litoria bicolor</i>
98	Magnificent Tree Frog	<i>Litoria splendida</i>

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**SCHEDULE 4**

Regulations 12, 13, 18(a)(i) and (b)(i), 37(1)(b),  
49(1)(a), 49(3)(a), 49(5), 49(6), 49(7), 49(8),  
54(a), and 65(1)(d) and (e)

**TAXA OF WILDLIFE THAT MAY BE HELD FOR PRIVATE  
PURPOSES WITHOUT A LICENCE OR FOR COMMERCIAL  
PURPOSES BY THE HOLDER OF AN APPROPRIATE  
LICENCE**

**PART A**

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Column 1 <i>Item Number</i>	Column 2 <b>Birds</b>	
1	King Quail	<i>Excalfactoria chinensis</i>
2	Pheasant—all taxa	<i>Phasianus spp.</i>
3	Partridge—all taxa	<i>Perdix spp.</i>
4	Non-indigenous quail— all taxa, including Californian Quail and, Japanese/European Quail	<i>Alectoris spp.</i> <i>all taxa, including</i> <i>Callipepla californica</i> <i>Coturnix coturnix</i>
5	Budgerigar	<i>Melopsittacus undulatus</i>
6	Zebra Finch	<i>Taeniopygia guttata</i>
7	Cockatiel	<i>Nymphicus hollandicus</i>
8	Bourke's Parrot	<i>Neopsephotus bourkii</i>
	<b>Mammals</b>	
9	Fallow Deer	<i>Dama dama (including D.d mesopotamica)</i>
10	Chital	<i>Axis axis</i>
11	Hog Deer	<i>Axis porcinus</i>
12	Rusa Deer	<i>Cervus timorensis</i>
13	Sambar	<i>Cervus unicolor</i>
14	Red Deer	<i>Cervus elaphus</i>
15	Wapiti Deer	<i>Cervus canadensis</i>

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**PART B**

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Column 1 <i>Item Number</i>	Column 2 <b>Birds</b>	
1	Western Rosella	<i>Platycercus icterotis</i>
2	Scarlet-chested Parrot	<i>Neophema splendida</i>
3	Elegant Parrot	<i>Neophema elegans</i>
4	Turquoise Parrot	<i>Neophema pulchella</i>
5	Alexandra's (Princess) Parrot	<i>Polytelis alexandrae</i>
6	Hooded Parrot	<i>Psephotus dissimilis</i>
7	Australian Ringneck	<i>Barnardius zonarius semitorquatus</i>
8	Gouldian Finch	<i>Erythrura gouldiae</i>
9	Star Finch	<i>Neochmia ruficauda</i>
10	Blue-faced Finch	<i>Erythrura trichroa</i>
11	Long-tailed Finch	<i>Poephila acuticauda</i>
12	Chestnut-breasted Mannikin	<i>Lonchura castaneothorax</i>
13	Double-barred Finch	<i>Taeniopygia bichenovii</i>
14	Stubble Quail	<i>Coturnix pectoralis</i>
15	Red-rumped Parrot	<i>Psephotus haematonotus</i>
16	Rainbow Lorikeet—excluding subspecies	<i>Trichoglossus haematodus</i>
17	Scaly-breasted Lorikeet	<i>Trichoglossus chlorolepidotus</i>
18	Musk Lorikeet	<i>Glossopsitta concinna</i>
19	Eclectus Parrot	<i>Eclectus roratus polychloros</i>
20	Painted Firetail	<i>Emblema pictum</i>
21	Peaceful Dove	<i>Geopelia striata</i>
22	Common Bronzewing	<i>Phaps chalcoptera</i>
23	Crested Pigeon	<i>Ocyphaps lophotes</i>
24	Emerald Dove	<i>Chalcophaps indica</i>
25	Diamond Dove	<i>Geopelia cuneata</i>
26	Galah	<i>Eolophus roseicapilla</i>
27	Sulphur-crested Cockatoo	<i>Cacatua galerita</i>
28	Little Corella	<i>Cacatua sanguinea</i>
29	Long-billed Corella	<i>Cacatua tenuirostris</i>
	<b>Amphibians</b>	
30	Plains Froglet	<i>Crinia parinsignifera</i>
31	Common Eastern Froglet	<i>Crinia signifera</i>
32	Spotted Grass Frog	<i>Limnodynastes tasmaniensis</i>

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Column 1	Column 2
<i>Item Number</i>	<b>Amphibians</b>
33	Eastern Banjo Frog <span style="float: right;"><i>Limnodynastes dumerilii</i></span>
34	Southern Brown Tree Frog <span style="float: right;"><i>Litoria ewingii</i></span>
	<b>Reptiles</b>
35	Common Long-necked Tortoise <span style="float: right;"><i>Chelodina longicollis</i></span>
36	Murray Turtle <span style="float: right;"><i>Emydura macquarii</i></span>
37	Marbled Gecko <span style="float: right;"><i>Christinus marmoratus</i></span>
38	Cunningham's Skink <span style="float: right;"><i>Egernia cunninghami</i></span>
39	White's Skink <span style="float: right;"><i>Liopholis whitii</i></span>
40	Blotched Blue-tongued Lizard <span style="float: right;"><i>Tiliqua nigrolutea</i></span>
41	Eastern Blue-tongued Lizard <span style="float: right;"><i>Tiliqua scincoides</i></span>
	<b>Mammals</b>
42	Mitchell's Hopping Mouse <span style="float: right;"><i>Notomys mitchelli</i></span>
43	Spinifex Hopping Mouse <span style="float: right;"><i>Notomys alexis</i></span>

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**SCHEDULE 5**

Regulations 15, 16(a), 37(1)(b), 41(6), 45(2)(b),  
45(2)(c), 46(2), 48(2), 49(9), 49(10),  
49(11), and 54(c)(i)

**TAXA OF WILDLIFE THAT ARE EXEMPT FROM  
REQUIREMENT TO HOLD A LICENCE IN CERTAIN  
CIRCUMSTANCES**

**PART A**

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Column 1	Column 2
<i>Item Number</i>	<b>Birds</b>
1	Pheasant—all taxa <i>Phasianus spp</i>
2	Partridge—all taxa <i>Perdix spp.</i> <i>Alectoris spp.</i>
3	European/Japanese Quail <i>Coturnix coturnix</i>
4	Californian Quail <i>Callipepla californica</i>

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**PART B**

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Column 1	Column 2
<i>Item Number</i>	<b>Mammals</b>
1	Common Brushtail Possum <i>Trichosurus vulpecula</i>
2	Western Grey Kangaroo <i>Macropus fuliginosus melanops</i>
3	Eastern Grey Kangaroo <i>Macropus giganteus</i>
4	Whiptail Wallaby <i>Macropus parryi</i>
5	Common Wallaroo (Euro) <i>Macropus robustus</i>
6	Red-necked Wallaby <i>Macropus rufogriseus</i>
7	Red Kangaroo <i>Macropus rufus</i>
8	Rufous-bellied Pademelon <i>Thyllogale billardierii</i>
	<b>Reptiles</b>
9	Freshwater Crocodile <i>Crocodylus johnstoni</i>
10	Saltwater Crocodile <i>Crocodylus porosus</i>
	<b>Birds</b>
11	Emu <i>Dromaius novaehollandiae</i>

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**PART C**

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Column 1 <i>Item Number</i>	Column 2 <b>Mammals</b>	
1	Fallow Deer	<i>Dama dama (including D.d mesopotamica)</i>
2	Chital	<i>Axis axis</i>
3	Hog Deer	<i>Axis porcinus</i>
4	Rusa Deer	<i>Cervus timorensis</i>
5	Sambar	<i>Cervus unicolor</i>
6	Red Deer	<i>Cervus elaphus</i>
7	Wapiti Deer	<i>Cervus canadensis</i>

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**SCHEDULE 6**

Regulation 11 and 37(1)(b)

**TAXA OF WILDLIFE THAT MAY BE CONTROLLED BY  
THE HOLDER OF AN APPROPRIATE WILDLIFE  
CONTROLLER'S LICENCE**

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Column 1 <i>Item Number</i>	Column 2 <b>Birds</b>
1	Sulphur-crested Cockatoo <i>Cacatua galerita</i>
2	Long-billed Corella <i>Cacatua tenuirostris</i>
3	Galah <i>Eolophus roseicapilla</i>
4	Crimson Rosella <i>Platycercus elegans</i>
5	Eastern Rosella <i>Platycercus eximius</i>
6	Australian Raven <i>Corvus coronoides</i>
7	Pied Currawong <i>Strepera graculina</i>
8	Emu <i>Dromaius novaehollandiae</i>
9	Australian Shelduck <i>Tadorna tadornoides</i>
10	Maned Duck <i>Chenonetta jubata</i>
11	Silver Gull <i>Larus novaehollandiae</i>
	<b>Mammals</b>
12	Eastern Grey Kangaroo <i>Macropus giganteus</i>
13	Western Grey Kangaroo <i>Macropus fuliginosus melanops</i>
14	Black Wallaby <i>Wallabia bicolor</i>
15	Common Brushtail Possum <i>Trichosurus vulpecula</i>
16	Common Wombat <i>Vombatus ursinus</i>
17	Fallow Deer <i>Dama dama (including D.d mesopotamica)</i>
18	Chital <i>Axis axis</i>
19	Hog Deer <i>Axis porcinus</i>
20	Rusa Deer <i>Cervus timorensis</i>
21	Sambar <i>Cervus unicolour</i>
22	Red Deer <i>Cervus elaphus</i>
23	Wapiti Deer <i>Cervus canadensis</i>
	<b>Reptiles</b>
24	All reptiles

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**SCHEDULE 7**

Regulations 7, 8, 12, 16(b), 17, 18(a)(i) and (b)(i),  
37(1)(b), 41(6), 45(2)(d), 48(2), 49(1)(b),  
49(3)(b), 55(f) and (g)

**TAXA OF WILDLIFE THAT MAY BE HELD BY THE  
HOLDER OF A WILDLIFE FARMER LICENCE**

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Column 1	Column 2
<i>Item Number</i>	<b>Birds</b>
1	Emu <i>Dromaius novaehollandiae</i>

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#### ENDNOTES

<sup>1</sup> Reg. 4(a): S.R. No. 50/2002 extended by S.R. No. 53/2012 and amended by S.R. Nos 88/2004, 139/2004 and 103/2009.

<sup>1</sup> Reg. 4(b): S.R. No. 139/2004.

<sup>1</sup> Reg. 4(c): S.R. No. 103/2009.

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#### Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2012 is \$12.53. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

#### Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

In accordance with section 11 of the **Monetary Units Act 2004**, the value of a penalty unit for the financial year commencing 1 July 2012 is \$140.84.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

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