

Update

NSW Wildlife Licensing Reforms

ASSOCIATED BIRDKEEPERS OF AUSTRALIA INC.

1 July 2017

Biodiversity Conservation Act 2016

Government policy objectives for wildlife licensing

- Apply risk-based approach to regulating wildlife activities
 - Lower risk – exempt from specified wildlife offences
 - Medium risk – comply with enforceable Code of Practice
 - Higher risk – licence required
- Improve community education programs to promote compliance
- Focus compliance activities on higher risks
- Reduce red tape
 - Risk-based record keeping and reporting requirements
 - Improved online licence application and reporting systems

Biodiversity Conservation Act 2016

Key provisions about keeping and dealing

- It is an offence to buy, sell, keep, import/export unless you
 - comply with an approved code of practice
 - obtain a licence and comply with licence conditions
 - exempted by the BC Regulation
- It is an offence to breach a condition of a licence
- Maximum penalty (includes additional penalty for each animal)*
 - if a threatened species - \$330K and \$33K per animal or 2 years gaol or both
 - if a vulnerable species — \$132K and \$13.2K per animal
 - if a protected animal —\$22K and \$2.2K per animal

* For offences by individuals. Penalties for corporations are 5x higher.
Additional penalty per animal does not apply to breach of licence conditions.

Biodiversity Conservation Act 2016

Key provisions about licensing

- Licence conditions may be determined by OEH
- Licence fees may include
 - a standard fee specified in the Regulation that is applicable to all licences
 - an additional fee based on costs of determining the application
 - fee waivers and discounts for online lodgment and pensioners
- Administrative decisions and appeals
 - OEH may refusal to grant licence, apply conditions, serve notice to vary, cancel or suspend
 - OEH to provide reasons for decisions
 - appeals to Land and Environment Court
- All licences listed on public register
 - excluding personal information about licensee

Draft *Biodiversity Conservation Regulation*

Key provisions about licensing

- Released for public comment – 10 May to 21 June 2017
- The draft BC Regulation includes..
 - List of 41 bird species exempt from keeping and dealing offences
 - Licence eligibility criteria – “fit and proper” person test
 - Codes of Practice may require registration and record keeping
 - Licence fees – standard fee
- The Regulation does not include licence classes or conditions
 - These will be approved by OEH after consultation with stakeholders
 - Flexibility to make changes in future to respond to emerging issues

Native animal keeping

Development of risk-based approach

- As a starting point, adapt existing licensing framework
 - Lower risk Exempt from BC Act offences of keeping and dealing
 - Medium risk Replace licensing for Class 1 animals with BC Act codes of practice
 - Higher risk Retain licensing for Class 2+ animals
- Use risk assessment tool to assess proposals to move species between risk categories
- Proposed movements may be initiated by stakeholders and OEH

Native bird keeping

Proposals from initial consultations

- Expand exempt list – add 47 class 1 species
- Class 1 birds – replace licensing with compliance with Code of Practice for Keeping and Trading of Birds
- Class 2 birds – retain licensing
- Add 13 new species
- Move 13 species from class 2 to class 1
- Move black cockatoos and scrubwrens from class 1 to class 2
- Clarify approach to hybrids
- Ongoing stakeholder committee and expert group to advise on future changes

Reform timeframes

Two stage implementation process

1. BC Act and Regulation commencement – 25 August 2017

- No changes to licence classes, conditions and fees
- Licence application forms and certificates re-badged with BC Act
- Public register of licences

2. New licence classes and codes commence - March 2018

- Public consultation on proposed changes (Sept/Oct 2017)
- Finalise changes to species list (Nov 2017)
- Implement new licence classes, codes and exemptions (March 2018)
- Implement Wildlife Management System (March 2018)

BC Act commencement

What's changing on 25 August?

- BC Act and Regulation commence
- NPW Act Parts 7 to 9 are repealed
- New BC Act wildlife protection offences with increased penalties
- All wildlife licensing forms re-badged with BC Act references
- Public register to include all new licences – but will not include personal information

BC Act commencement

What's not changing on 25 August?

- No changes to wildlife licence classes, conditions and fees
- No changes to licence application process and systems

BC Act commencement

Transitional arrangements for licence holders

- Existing licences remain valid until they expire
- Licence applications lodged but not determined before 25 August will be treated as BC Act licence applications

Related initiatives to address key stakeholder concerns

- Review approach to regulating native animal dealing
 - Address concerns about dealing via internet and markets
- Improve processes for managing escaped or abandoned native animal pets
 - Develop improved and consistent approach, in consultation with relevant agencies and wildlife rehabilitation groups
- Community awareness program – native animal keeping
 - Identify priorities in consultation with key stakeholders
 - Develop new information resources and programs

Next Steps

- Public consultation on proposed changes to licensing, codes and exemptions (Sept - Oct 2017)
- Review proposed changes to Animal Keepers Species List (Sept - Nov 2017)



Questions?

Send your questions and suggestions to
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