

Information You Need To Know

Emu Farming Permit (Class 12)

as per Schedule 1 of the *National Parks and Wildlife (Wildlife) Regulations 2019*

The Emu Farming Permit (Class 12), as set out in Schedule 1 of the *National Parks and Wildlife (Wildlife) Regulations 2019*, is granted pursuant to section 60C of the *National Parks and Wildlife Act 1972* (the Act) and subject to the Act and the Regulations and Proclamations made under the Act.

The permit entitles the holder the holder—

- (a) to take an emu, or the eggs of an emu, from the wild or to slaughter or destroy in any other manner an emu in captivity; or
- (b) to keep an emu or to have possession or control of the eggs of an emu; or
- (c) to sell an emu or the carcass or eggs of an emu, in the course of carrying on the business of farming emus.

Under the Act, a protected animal is:

- a) any mammal, bird or reptile indigenous to Australia; or
- b) any migratory mammal, bird or reptile that periodically or occasionally migrates to, and lives in, Australia; or
- c) any animal of a species referred to in Schedule 7, 8 or 9; or
- d) any animal of a species declared by regulation to be a species of protected animals, but is not any of the animals referred to in Schedule 10 of the Act or any animals declared by regulation to be unprotected.

In addition to the limitations, restrictions and conditions included in the permit, the permit holder must also comply with the legislative and regulatory provisions which relate to the permit. A summary of the relevant provisions relating to the Specialist Permit to Keep and Sell Protected Animals (Fauna Dealer) (Class 2), as described in Schedule 1 of the *National Parks and Wildlife (Wildlife) Regulations 2019*, is set out below. The legislation and regulations can be viewed in their entirety at www.legislation.sa.gov.au

National Parks and Wildlife Act 1972

Movement of protected animals into or out of South Australia (section 59)

Pursuant to section 59 of the Act, unless acting under a permit granted under section 59, it is a criminal offence to export out of South Australia, or import into South Australia a protected animal or the carcass or egg of a protected animal.

Illegal possession of animals etc (section 60)

Under section 60 of the Act, you must not have in your possession or control an animal, the carcass of an animal or an egg, that has been illegally taken or acquired. This includes animals illegally taken or acquired outside of South Australia.

Permit for farming protected animals (section 60C)

Under section 60C of the Act, a permit may be granted to take, keep and sell animals for carrying on the business of farming a protected animal. A Code of Management for emu farming must be adopted by the Minister before a permit may be granted under section 60C for the commercial farming of emus. The legislation currently allows permits to be granted under section 60C for the farming of emus. A section 60C permit will be subject to limitations, restrictions or conditions imposed by the Minister or prescribed by regulation.

The Minister may only grant a permit under section 60C to take emus or the eggs of animal from wild if satisfied that the removal of emus or emu eggs pursuant to the permit is desirable to reduce or control an emu population that is causing, or is likely to cause, damage to the environment, crops, stock or other property.

Pursuant to a section 60C permit, it is lawful to—

- take an emu or the eggs of an emu from the wild; or
- slaughter or destroy in any other manner an emu in captivity; or
- keep an emu or to have possession or control of the eggs of an emu; or
- sell an emu or the carcass or eggs of an emu.

Unlawful entry on land (section 64)

Under section 64 of the Act, it is a criminal offence to be on any land for the purpose of taking a protected animal, or the eggs of a protected animal, unless that person has the written permission of the landowner to be on the land for that purpose. This written permission must have been given not more than six months beforehand.

Permits (section 69(3))

A permit granted under the Act is subject to the limitations, restrictions and conditions included in the permit. If you fail to comply with any limitation, restriction or condition of your permit then your permit can be revoked.

Obligation to produce permit (section 70)

If you are requested by a warden (appointed under the Act) to produce your permit for inspection then you must do so as soon as practicable after the request was made. Failure to comply with this request is a criminal offence.

Failure to comply (section 70A)

If you, or a person acting with your authority, contravenes or fails to comply with a limitation, restriction, condition or provision of your permit then you are guilty of an offence.

False or misleading statement (section 72)

It is a criminal offence to make, or cause to be made, a false or misleading statement in an application, return or other document required under the Act.

Additional penalty (section 74)

If you are convicted of an offence against the Act involving any unlawful act in relation to animals and the court is satisfied that more than one animal was involved in the offence, the court must impose a fine, based on the number of animals involved in the commission of the offence. This fine is in addition to the penalty that may be imposed under the relevant section of the Act the offence was committed against.

Important note: a breach of the *National Parks and Wildlife Act 1972* may incur an expiation fee. You may also be liable to criminal prosecution, and if found guilty of an offence, convicted and fined. The maximum penalties and expiation fees which may be imposed for an offence against the Act, are provided in the relevant section of the Act which can be viewed at www.legislation.sa.gov.au

National Parks and Wildlife (Wildlife) Regulations 2019

Information relating to certain section 58 or 60C permits to be kept in record book (regulation 8)

You will be supplied with a record book by the Director. You must keep a record of the following information in the record book:

- a. the species of animals or eggs, and the number of animals or eggs of each species, acquired or disposed of pursuant to the permit;
- b. the date and method of acquisition or disposal (including the permit number of any import or export permit used in that acquisition or disposal);
- c. the name and address of, and the number of the permit (if any) held by, the person from whom the animals or eggs were acquired or to whom the animals or eggs were disposed;
- d. the species of animals, and the number of individuals of each species, born to animals kept pursuant to the permit, together with the dates on which the births occurred (and, in the case of a Retain Protected Animals Unfit for Release permit, if any such additional animals were not at the time of birth authorised to be held or disposed of under the permit, the authority under which the animals so born are now held, or were disposed of, by the person);
- e. the species of animals, and the number of individuals of each species, that have died or escaped while being kept pursuant to the permit;
- f. (all other information (if any) that the person is required under the regulations to include in a return.

Where record book is to be kept (regulation 10)

You must keep your record book in a safe and secure place at the premises at which you keep your animals. If you keep animals at more than one premises, you must keep a separate record book at each premises.

Return to be provided (regulation 13)

You will be supplied with a permit return by the Director. You must record the following information in your return:

- Permit number
- Name of the permit holder
- Address of the permit holder
- Location of farming property
- Date of the return
- Stock at the beginning of the period
- Purchases (including gifts and other sources)
- Breeding results
- Imports
- Escapes and deaths
- Sales for slaughter or live trade
- Exports
- Stock on hand at end of period

The completed permit return needs to be sent to the Director on or before 14 July in each year.

Copies of returns to be retained in a safe place (regulation 15)

You must keep copies of your returns in a safe place at the premises the animals are kept. If pursuant to your permit, you keep animals at more than one premises, then the copies of your returns should be kept at the principal premises.

A copy of a return must be retained until 6 months after the day the return is required to be provided to the Director, or the copy is produced to the Director or a court.

Entries to be made in record book or return within 48 hours (regulation 16)

You must ensure that you record every transaction or event that occurs in relation to the animals within 48 hours after the occurrence of the transaction or event.

Notification of loss of record books or copies of returns (regulation 17)

If you lose or damage your record book or copy of your return you must notify the Director within 7 days after becoming aware of the loss or damage.

Record books and copies of returns to be produced for inspection at request of warden (regulation 18)

You (or a person who has custody or control of your books or returns as agent) must, if requested by a warden, produce the book or copies for inspection by the warden.

Record books, return books etc to be returned to Director or provided to court (regulation 19)

If you no longer hold a permit or you have completed your record book, you must return your record book to the Director within 14 days.

Notification of change of address or name (regulation 20)

If you change your address or name during the period that your permit remains in force you must, within 14 days after changing your address or name—

(a) notify the Director in writing of the change; and

(b) provide documentary evidence to the satisfaction of the Director of the new address or change of name.

Exemption from Division (regulation 21)

The Director may exempt a person from compliance with any provision of Division 1 of the Wildlife Regulations (Records, returns, reports etc) other than regulation 6, 7 or 20.

Director to supply record books, returns etc (regulation 22)

The Director must supply you with the record book, return book or individual return form.

If you lose your record book or required additional record books you may be required to pay a fee for the supply of each additional book.

Record books, return books and returns in electronic form (regulation 23)

You are required to record information in a record book and return form. If the Director authorises that the record book or return can be maintained in electronic form or provided to the Director by means of an electronic communication then you may do so. The electronic record book and return form must be kept in a safe and secure place at the premises specified in your permit and be readily accessible.

Form of applications, notifications etc (regulation 24)

If you make an application to the Director for an approval, authorisation or exemption, or a waiver, under the regulations then it must be made in the manner and form approved by the Director and include the information required by the Director.

Where, under the regulations, you are required to give notice or provide information to the Director then this must be provided in writing and signed by you.

Requirement for signature (regulation 25)

Where you are required to sign a document (e.g. record, return, notification, etc) that is provided in electronic form by the Director then the requirement to sign will be satisfied if an electronic signature (or other method approved by the Director) is used to identify you as the person providing the document.

Approvals, exemptions etc by Director and wardens (regulation 26)

If a warden grants you an approval subject to a limitation, restriction or condition then you (or a person acting in the employment or with your authority) must not contravene or fail to comply with the limitation, restriction or condition.

If you are granted a permission or other authority by the Director, it is an offence under section 70A(1) of the Act if you (or a person acting in the employment or with the authority of the holder) fail to comply with any limitation, restriction, condition or provision of that permission or other authority.

Sell or gift only to permit holder (regulation 27)

You must not sell or give a protected animal or the egg of a protected animal to a person who is required by the Act to hold such a permit if they do not hold the required permit.

A person may be entitled under the Act to keep a protected animal, or have possession or control of an egg of a protected animal, without a permit if (for example) the number of animals or eggs does not exceed a number permitted under the Act.

Purchase or receipt as gift only permit holder (regulation 28)

You must not purchase or receive as a gift a protected animal or the carcass or egg of a protected animal, from a person unless they hold the required permit or have an additional written authorisation from the Director (as a condition of the permit) for the sale or gift.

You must not sell or give a protected animal or the carcass or egg of a protected animal unless you have produced your permit (or any other document you are required to hold) for inspection.

Advertisement for sale of protected animal to include permit number (regulation 29)

If you advertise your protected animal for sale then you must state in the advertisement your permit number that authorises the sale.

Construction and labelling of containers for transportation of protected animals, carcasses or eggs (regulation 39)

If you transport a protected animal or egg of a protected animal from one location to another location then the container, cage or package you use must be designed, constructed and maintained to withstand the transportation process.

Transport container, cage or package	Requirement
For an egg of a protected animal	The container, cage or package must <ul style="list-style-type: none"> • protect the egg against damage or deterioration; and • resist unauthorised interference with the egg.
For a carcass or egg	The container, cage or package must <ul style="list-style-type: none"> • protect the carcass or egg against damage or deterioration; and • resist unauthorised interference with the carcass or egg.

There is also a requirement to label the transport container, cage or package with information.

Transport of protected animals, carcasses or eggs	Label requirement
Transported by the permit holder or a person authorised by the permit holder (other than a third party carrier)	<ul style="list-style-type: none"> • the number of the permit; and • such other information as the Director may require.
Transported by a third party carrier	<ul style="list-style-type: none"> • the name and residential or business address of the owner of the animal; and • if the owner is the permit holder—the number of the permit; and • the common name of the type of animal that is being transported and the number of such animals; and • such other information as the Director may require.
If the animal is dangerous, or if the animal constitutes a biological hazard	<ul style="list-style-type: none"> • the name and residential or business address of the owner of the animal; and • if the owner is the permit holder—the number of the permit; and • the common name of the type of animal that is being transported and the number of such animals; • a statement that the animal is dangerous or constitutes a biological hazard; and • such other information as the Director may require.

The label information must be clearly displayed on the outside of the cage, container or package (whether by means of a securely attached label or otherwise) and in a position and manner that allows it to easily be read.

If the egg of a protected animal is transported to a destination outside of the State of South Australia then the Export Permit (or copy) meets the requirements of a label.

Kangaroos, emus, or their carcasses, not to be imported or exported without transport documentation (regulation 40)

Kangaroos, emus or their carcasses must not be imported or exported by road or rail without transport documentation required by regulation 40 being provided to the driver of the vehicle.

Note - transport documentation is not required if you, as permit holder or owner of the kangaroos, emus or their carcasses, are transporting those animals. Instead you must hold an Import or Export permit.

The transport documentation must set out the following information –

- (a) the name, address and import or export permit number of the person importing or exporting the animal or carcass;
- (b) the destination to which the animal or carcass is to be delivered and the name and address of the person who will have possession of the animal or carcass after delivery;
- (c) the species and total number of animals or carcasses (and if there is more than 1 species, the list of species and the total number of animals or carcasses for each species).

You must not authorise the transport of your kangaroos, emus or their carcasses, by a driver without transport documentation. If this occurs then you (as permit holder or owner) and the person who arranged for the transport of those animals on your behalf are each guilty of an offence.

The driver of a vehicle must not knowingly transport these kangaroos, emus or their carcasses without the required transport documentation.

The driver, or person who has custody or control of the transport documentation, must if requested by the Director or a warden, produce the transport documentation for inspection.

Importing and exporting protected animals, carcasses or eggs (regulations 41 and 42)

Importing

If you import an egg of a protected animal into South Australia then you must not sell, give or otherwise dispose of the using a Class 10 permit.

Exporting

The Export Permit (or copy) must be securely attached in a conspicuous position to the cage, container or package containing the egg of the protected animal to be exported.

The driver of a vehicle transporting the egg of a protected animal must not knowingly transport for export the egg of a protected animal unless the Export Permit (or copy) is securely attached in a conspicuous position to the cage, container or package containing the egg of a protected animal.

Conditions of emu farming permits (regulation 43)

Permit conditions for emu farming are set out in regulation 43. These are in addition to any conditions included on the permit.

(1) A section 60C permit that is a class 12 permit is subject to the following conditions in addition to any conditions imposed by the Act or the Minister:

- (a) that the holder of the permit must not acquire an emu, or the egg of an emu, in the course of carrying on the business of farming emus, from a person who does not hold a class 12 permit;

- (b) that the holder of the permit must not sell an emu, or the egg of an emu, from premises other than premises approved by the Director;
- (c) that the holder of the permit must not sell a live emu or live emu egg to a person who does not hold a class 12 permit;
- (d) that the holder of the permit must comply with the requirements of the emu code of management relating to fencing, gates and emu handling facilities and must maintain fences, gates and handling facilities in accordance with those requirements in a proper state of repair;
- (e) that the holder of the permit must not send an emu for slaughter to an abattoir or slaughterhouse unless—
 - (i) the abattoir or slaughterhouse has been approved for that purpose by the Director; and
 - (ii) the holder of the permit has been issued with an emu tag in relation to the emu by the Director; and
 - (iii) the holder of the permit has taken all reasonable steps to ensure that the tag is delivered to the person in charge of the abattoir or slaughterhouse when the emu is delivered;
- (f) that the holder of the permit must not slaughter an emu, or cause an emu to be slaughtered, on the holder's property without the approval of the Director;
- (g) that the holder of the permit must, if an emu is slaughtered or dies in any other manner on the holder's property, attach an emu tag (issued to the permit holder by the Director) to the skin of the emu in the manner provided by these regulations before the skin leaves the property;
- (h) that the holder of the permit must comply with regulation 44 insofar as that regulation is applicable to the holder.

The Director may waive compliance with specific permit conditions. Note: this may occur under special circumstances. Each request is considered on a case by case basis.

Emu tags (regulation 44)

The Director may issue emu tags for attachment to the skins of emus. You must not sell or supply an unused emu tag to another person except the person in charge of an abattoir or slaughterhouse at which an emu is to be slaughtered.

The person in charge of an abattoir or slaughterhouse at which an emu is slaughtered must ensure that an emu tag issued by the Director is attached to the skin of the emu in the manner specified by the Director as soon as is practicable after the emu is slaughtered.

Emu tags attached to the skin of an emu must only be removed from the skin of an emu by a class 8 Tannery and Skin Dealer or by a person authorised to do so by the Director. The person who removes an emu tag from an emu skin must

- ensure that letters, numbers or other identifying marks on, or forming part of, the tag are preserved;
- keep the tag for at least 12 months after removal (unless the Director authorises its earlier destruction or disposal); and
- produce the tag for inspection by a warden on request

All emu tags (unused and used) must be kept in a place that is secure against theft, loss or damage. If an emu tag (unused or used) is stolen, lost or damaged the Director must be notified of the identity of the tag as soon as is practicable.

A person must not alter or damage an emu tag.

Permit not to be used by another (regulation 45)

You must not allow your permit to be used by any other person.

Important note: a breach of the *National Parks and Wildlife (Wildlife) Regulations 2019* may incur an expiation fee of \$160 or maximum penalty of \$1250.

Animal Welfare Act 1985

The care of all animals must comply with the *Animal Welfare Act 1985*.

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