

Information You Need To Know

Permit to Take Protected Animals from the Wild

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

The Permit to Take Protected Animals from the Wild, as set out in Schedule 1 of the *National Parks and Wildlife (Wildlife) Regulations 2019*, is granted pursuant to section 53(1)(d) of the *National Parks and Wildlife Act 1972* (the Act) and is subject to the Act and the Regulations and Proclamations made under the Act.

The Permit to Take Protected Animals from the Wild entitles the holder to take protected animals or the eggs of protected animals (identified in the permit by reference to their species) from the wild for the purposes of breeding, translocation, education, training or production of biological products or for other purposes.

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 Permit to Take Protected Animals from the Wild, 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

Permits to Take Protected Animals (section 53)

Under section 51 of the Act it is a criminal offence to take a protected animal or the eggs of a protected animal. This includes hunting, catching, restraining, killing or injuring an animal. However, a permit to take protected animals or the eggs of a protected animal may be granted under section 53 of the Act for any other purpose that the Minister considers proper and not inconsistent with the objectives of the *National Parks and Wildlife Act 1972*. By way of example, for the purposes of captive breeding, translocation, education, training or production of biological products.

The permit may be granted for a term not exceeding 12 months duration. The permit may limit the areas and number of animals or eggs that may be taken or destroyed. The Minister may at any time revoke the permit.

Within 14 days of your permit expiring you must submit a report in the prescribed form stating the number of animals and the number of eggs (if applicable) of each species taken from the wild.

A section 53 permit may not authorise the sale of protected animals and the eggs of protected animals taken pursuant to the permit.

Note: It is an offence under section 13 of the *Animal Welfare Act 1985* for a person to ill-treat an animal. Under that section, ill treatment includes intentionally, unreasonably or recklessly causing the animal unnecessary harm.

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.

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 (Wildlife Regulations)

Report to be provided following expiry or revocation of section 53 permit (regulation 6)

Under section 53 of the Act, when your permit expires or is revoked a report must to be delivered to Minister which states the number of animals of each species taken pursuant to the permit and the number of eggs of any protected animal taken pursuant to the permit. The report required by section 53 is required to be in the form prescribed in Schedule 2 of the Wildlife Regulations and is provided to you upon the granting of the permit.

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.

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.

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 animal	The container, cage or package must <ul style="list-style-type: none">• protect the animal against injury and against other animals likely to injure or kill it; and• prevent the animal from escaping; and• resist unauthorised interference with the animal; and• allow adequate airflow.
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 protected animal, carcass or egg is transported to a destination outside of the South Australia then the Export Permit (or copy) meets the requirements of a label.

Permit not to be used by another (regulation 45)

Your permit cannot 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. These regulations can be viewed in their entirety at www.legislation.sa.gov.au

Animal Welfare Act 1985

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

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