

Information You Need To Know

Trap and Release Protected Animals Permit

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

The Trap and Release Protected Animals Permit, as set out in Schedule 1 of the *National Parks and Wildlife (Wildlife) Regulations 2019*, is granted pursuant to section 53(1)(c) or (d) and 55 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 Trap and Release Protected Animals Permit entitles the holder to trap and release (not as part of an ongoing activity) protected animals, identified in the permit by reference to their species, that are causing or likely to cause damage to environmental amenity (including built structures) or may constitute a safety risk or hazard to people or industry, but are not dangerous or a biological hazard.

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 Trap and Release Protected Animals Permit, 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 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, removing possums from the roof space of a building.

The permit may be granted for a term not exceeding 12 months duration. The permit may limit the areas and number of animals that may be taken. 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.

Restriction on release of protected animals (section 55)

You must not release a protected animal or an animal of a species listed in Schedule 10 of the Act from captivity unless you are authorised to do so by a permit granted under section 55 of the Act.

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.

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.

Returns to be provided for purposes of section 55 permit or section 53 and 55 permit (regulation 12)

If you have been granted a permit under section 55 of the Act, you must provide the Director with a return within 14 days after the release of the animal pursuant to the Director. The return must be in the manner and form approved by the Director.

In addition to the report required under section 53(4) of the Act you must provide the Director with a return within 14 days of the expiry or revocation of the permit (or earlier if specified in the permit). The return must be in the manner and form approved by the Director.

The following information must be provided in the return;

- (a) the number of animals released under the permit;
- (b) the species of each animal released under the permit (and, if more than 1 animal has been released, the number of animals of each species);
- (c) the date, time and exact location of the release of each animal;
- (d) such other information in relation to a release as the Director may require.

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.

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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