

# Information You Need To Know

## Wildlife Management (Controller) Permit

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

The Wildlife Management (Controller) 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 Wildlife Management (Controller) Permit entitles the holder to provide a range of wildlife management and control services on an ongoing basis (whether or not for commercial gain), including relocation or destruction, for protected animals identified in the permit by reference to their species or other class to which they belong.

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 Wildlife Management (Controller) 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](http://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 if you wish to destroy or remove protected animals that are causing, or are likely to cause, damage to the environment or to crops, stock or other property.

A permit may also be granted to take protected animals or the eggs of a protected animal for any other purpose that the Minister considers proper and not inconsistent with the objectives of the *National Parks and Wildlife Act 1972*. For example where protected animals are causing or likely to cause damage to environmental amenity (including built structures) or constitute a safety risk or hazard to people or industry.

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 destroyed.

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](http://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.

### **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.

### **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.

### **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.

### **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.

<b>Transport container, cage or package</b>	<b>Requirement</b>
For an animal	The container, cage or package must <ul style="list-style-type: none"><li>• protect the animal against injury and against other animals likely to injure or kill it; and</li><li>• prevent the animal from escaping; and</li><li>• resist unauthorised interference with the animal; and</li><li>• allow adequate airflow.</li></ul>
For a carcass or egg	The container, cage or package must <ul style="list-style-type: none"><li>• protect the carcass or egg against damage or deterioration; and</li><li>• resist unauthorised interference with the carcass or egg.</li></ul>

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

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](http://www.legislation.sa.gov.au)

**Animal Welfare Act 1985**

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

*This document is provided for the purposes of information only and is not legal advice. The Department and its employees do not warrant or make any representation regarding the use of the information contained in this document as regards to its correctness, accuracy, reliability, currency or otherwise. Neither the Department nor its employees accepts any responsibility for errors or omissions or for any decisions or actions taken by any person acting on the basis of the information contained in this document. The use of the information contained in this document is at the sole risk of the person using the information. All permit holders should ensure that they are familiar with the legislative and regulatory requirements relevant to their particular permits and circumstances and should seek independent legal advice if necessary.*