

Wildlife Conservation (Reptiles and Amphibians) Regulations 2002

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THE TEXT OF THE LEGISLATION FOLLOWS

Wildlife Conservation (Reptiles and Amphibians) Regulations 2002

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Wildlife Conservation (Reptiles and Amphibians) Regulations 2002

1. Citation

These regulations may be cited as the *Wildlife Conservation (Reptiles and Amphibians) Regulations 2002*.

2. Commencement

These regulations come into operation on the day after the day on which they are published in the *Gazette*.

3. Definitions

In these regulations —

“**approved**” means approved by the Executive Director;

“**category**” means a category of pet herpetofauna referred to in regulation 4(2);

“**pet herpetofauna**” means fauna declared under regulation 4(1) to be pet herpetofauna for the purposes of these regulations;

“**pet herpetofauna licence**” means a licence of a type prescribed by regulation 5;

“**specified**” means specified in a licence.

4. Declaration of fauna as pet herpetofauna

- (1) The Minister may, by notice in the *Gazette*, declare fauna of the class *Reptilia* or *Amphibia*, other than crocodiles and marine turtles, to be pet herpetofauna for the purposes of these regulations.
- (2) In a declaration under subregulation (1) the Minister is to categorise the fauna as category 1, 2, 3, 4 or 5 in accordance with subregulations (3) to (7).
- (3) Category 1 pet herpetofauna is fauna that the Minister considers —
 - (a) satisfies the criteria for category 2 set out in subsection (4); and
 - (b) is —
 - (i) so commonly kept as a pet; and
 - (ii) so readily available in the pet trade, that restrictions on the keeping of that fauna as a pet are not justified.
- (4) Category 2 pet herpetofauna is fauna that the Minister considers —
 - (a) is not dangerous;
 - (b) is not rare or endangered in the wild;
 - (c) has no special feeding or housing requirements;
 - (d) is resilient to handling; and
 - (e) is suitable to be kept by a person of any age with no prior experience in keeping pet herpetofauna.
- (5) Category 3 pet herpetofauna is fauna that the Minister considers —
 - (a) is not dangerous;
 - (b) is not rare or endangered in the wild;

- (c) requires only easily prepared and readily available food and simple housing;
 - (d) is resilient to handling; and
 - (e) is suitable to be kept by a person over 18 years of age with no prior experience in keeping pet herpetofauna.
- (6) Category 4 pet herpetofauna is fauna that the Minister considers is not dangerous and —
- (a) is not commonly kept as a pet;
 - (b) is rare but not threatened or endangered in the wild;
 - (c) has specialised feeding or housing requirements;
 - (d) is not resilient to handling; or
 - (e) is otherwise suitable to be kept only by a person over 18 years of age with prior experience in keeping pet herpetofauna.
- (7) Category 5 pet herpetofauna is fauna that the Minister considers —
- (a) is dangerous;
 - (b) is threatened or endangered in the wild;
 - (c) has highly specialised feeding or housing requirements;
or
 - (d) is very difficult to keep in captivity.

5. Pet herpetofauna licences prescribed

- (1) The following types of licences are prescribed for the purposes of section 15 of the Act —
- (a) herpetofauna keeper's licence (category 2);
 - (b) herpetofauna keeper's licence (category 3);
 - (c) herpetofauna keeper's licence (category 4);
 - (d) herpetofauna keeper's licence (category 5);
 - (e) herpetofauna dealer's licence (category 3);

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- (f) herpetofauna dealer's licence (category 4);
 - (g) herpetofauna dealer's licence (category 5);
 - (h) herpetofauna taker's licence;
 - (i) herpetofauna farmer's licence;
 - (j) herpetofauna importer's licence;
 - (k) herpetofauna exporter's licence.
- (2) A herpetofauna keeper's licence authorises the licensee to keep, for non-commercial purposes, the categories of pet herpetofauna set out in the Table to this subregulation opposite the relevant type of licence, and to sell not more than the specified numbers of such animals.

Table of categories of pet herpetofauna that may be kept

| Licence | Categories |
|--|-------------------|
| Herpetofauna keeper's licence (category 2) | 1 and 2 |
| Herpetofauna keeper's licence (category 3) | 1, 2 and 3 |
| Herpetofauna keeper's licence (category 4) | 1, 2, 3 and 4 |
| Herpetofauna keeper's licence (category 5) | 1, 2, 3, 4 and 5 |

- (3) A herpetofauna dealer's licence authorises the licensee to keep for commercial purposes and to sell pet herpetofauna in the categories set out in the Table to this subregulation opposite the relevant type of licence.

Table of categories of pet herpetofauna that may be sold

| Licence | Categories |
|--|-------------------|
| Herpetofauna dealer's licence (category 3) | 1, 2 and 3 |
| Herpetofauna dealer's licence (category 4) | 1, 2, 3 and 4 |
| Herpetofauna dealer's licence (category 5) | 1, 2, 3, 4 and 5 |

- (4) A herpetofauna taker's licence authorises the licensee —
 - (a) subject to any notice under section 14 of the Act, to take for sale or reward pet herpetofauna in the specified categories or of the specified species; and
 - (b) to keep for the purposes of sale, and to sell, pet herpetofauna so taken.
- (5) A herpetofauna farmer's licence authorises the licensee —
 - (a) to carry on the business of conducting a farm for the purpose of breeding or raising pet herpetofauna in the specified categories or of the specified species; and
 - (b) in the course of carrying on that business, to keep and sell such pet herpetofauna.
- (6) A herpetofauna importer's licence authorises the licensee to import, as one consignment, the specified number of the specified species of pet herpetofauna.
- (7) A herpetofauna exporter's licence authorises the licensee to export, as one consignment, the specified number of the specified species of pet herpetofauna.

6. Application for pet herpetofauna licence

- (1) An application for a pet herpetofauna licence —
 - (a) is to be made to the Executive Director, in writing in an approved form;
 - (b) is to be accompanied by —
 - (i) such references testifying to the experience and ability of the applicant; and
 - (ii) such other information,as the Executive Director requires; and
 - (c) is to be lodged together with the relevant fee set out in Schedule 1.

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- (2) Before issuing a pet herpetofauna licence that would authorise a person to keep category 5 pet herpetofauna the Executive Director may require —
- (a) the premises at which the applicant proposes to keep the pet herpetofauna;
 - (b) the equipment that the applicant proposes to use to keep the pet herpetofauna,
- to be inspected by a wildlife officer to determine whether they are suitable for keeping the pet herpetofauna for which the licence is sought.
- (3) If an inspection is required under subregulation (2) the applicant is to pay an inspection fee of —
- (a) \$150; plus
 - (b) \$10 for each animal in excess of 5 that the applicant seeks to be authorised to keep at the premises.

7. Restrictions on issue of pet herpetofauna licence

- (1) The Executive Director must not issue a pet herpetofauna licence unless satisfied that the operation of the licence will not adversely affect the conservation and protection of —
- (a) the species of pet herpetofauna to which the licence relates;
 - (b) pet herpetofauna generally; or
 - (c) fauna and flora generally.
- (2) The Executive Director may refuse to issue a pet herpetofauna licence if the Executive Director considers that —
- (a) the applicant has been convicted of an offence under the Act or has failed to comply with a condition imposed on a licence under the Act;
 - (b) the applicant is under the age determined by the Minister, by notice in the *Gazette*, as the age below which persons will not be authorised to keep the

category of pet herpetofauna for which the licence is sought;

- (c) the applicant does not have sufficient experience or ability to properly keep, sell, take, farm, import or export (as the case requires) the pet herpetofauna for which the licence is sought;
- (d) in the case of a herpetofauna dealer's licence or herpetofauna taker's licence, the applicant is not able to identify all species of pet herpetofauna to which the licence relates;
- (e) the premises at which the applicant proposes to keep the pet herpetofauna are not appropriate;
- (f) the manner in which the applicant proposes to keep, sell, take, farm, import or export (as the case requires) pet herpetofauna is not appropriate;
- (g) in the case of a herpetofauna exporter's licence, the proposed consignee is not authorised under the law of the place to which the pet herpetofauna is to be exported to import the pet herpetofauna;
- (h) the operation of the licence may create a threat to the safety of any person or of the public generally;
- (i) the carrying on of the activity authorised by the licence would be contrary to a local law; or
- (j) for any other reason —
 - (i) the operation of the licence would not be in the public interest;
 - (ii) the applicant is not a suitable person to hold the licence; or
 - (iii) the licence should not be issued.

8. Conditions on pet herpetofauna licences

- (1) A pet herpetofauna licence is subject to the condition that the licensee comply with regulations 9 to 15.

- (2) Without limiting section 15(5) of the Act, the Executive Director may impose on a pet herpetofauna licence conditions relating to —
- (a) the species of pet herpetofauna that the licensee may keep, sell, take, farm, import or export;
 - (b) the number of pet herpetofauna, or of each category or species of pet herpetofauna, that the licensee may keep, sell, take, farm, import or export;
 - (c) the manner in which the pet herpetofauna are to be kept including as to their accommodation, diet, handling and display;
 - (d) the premises at which the pet herpetofauna are to be kept;
 - (e) in the case of a herpetofauna taker's licence —
 - (i) the places from which;
 - (ii) the times or periods during which; and
 - (iii) the manner in which, pet herpetofauna may be taken;
 - (f) in the case of a herpetofauna importer's licence or herpetofauna exporter's licence, the manner in which the pet herpetofauna are to be transported;
 - (g) the persons who may assist the licensee in keeping, selling, taking, farming, importing or exporting the pet herpetofauna;
 - (h) the people, or classes of people, to whom the licensee may sell pet herpetofauna;
 - (i) in the case of a herpetofauna farmer's licence, the people, or classes of people, from whom the licensee may buy or otherwise acquire pet herpetofauna;
 - (j) the information that the licensee must give to persons to whom the licensee sells pet herpetofauna;

- (k) the period for which a licensee must keep pet herpetofauna bred, taken, farmed or imported by the licensee before it may be sold;
- (l) marking or identification of pet herpetofauna by —
 - (i) scale or skin removal;
 - (ii) toe or nail clipping;
 - (iii) skin dying;
 - (iv) branding;
 - (v) transponder implantation;
 - (vi) DNA mapping;
 - (vii) skin pattern recording;
 - (viii) scale impressions; or
 - (ix) any other method the Executive Director considers appropriate;
- (m) safety precautions that must be taken by the licensee; and
- (n) genetic, health and other testing of pet herpetofauna kept, taken, farmed or imported, or to be sold or exported, by the licensee.

9. Buyers and sellers must be licensed

- (1) Subject to regulation 18(2)(e), a licensee must not buy or otherwise acquire pet herpetofauna from a person unless that person holds a pet herpetofauna licence which authorises the person to sell the pet herpetofauna.
- (2) A licensee must not sell pet herpetofauna to another person unless that person holds a pet herpetofauna licence which authorises the person to keep the pet herpetofauna.

10. Unlicensed persons not to care for pet herpetofauna

A licensee must not put pet herpetofauna kept by the licensee into the care of another person unless —

- (a) the fauna are category 1 pet herpetofauna;

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- (b) the person is caring for the pet herpetofauna at the licensee's premises and under the supervision of the licensee;
- (c) the person holds a pet herpetofauna licence authorising the person to keep the pet herpetofauna; or
- (d) the person is a registered veterinary surgeon under the *Veterinary Surgeons Act 1960*.

11. Pet herpetofauna to be kept, sold, farmed or taken at specified premises

- (1) A licensee authorised to keep, sell or farm pet herpetofauna must not keep, sell or farm it except at the specified premises.
- (2) A licensee authorised to take pet herpetofauna must not —
 - (a) take it except from the specified places or areas; or
 - (b) keep taken pet herpetofauna except at the specified premises.

12. Records and reports

- (1) A licensee must —
 - (a) maintain, in an approved form, the specified records of the licensee's activities; and
 - (b) give to the Executive Director, in an approved form, the specified reports of the licensee's activities.
- (2) Reports required under subregulation (1) are to be lodged —
 - (a) in the case of a herpetofauna importer's licence or a herpetofauna exporter's licence, within the specified period after the pet herpetofauna are imported or exported; and
 - (b) otherwise, at the specified times.
- (3) A licensee must make the records required to be kept under subregulation (1) available for inspection by a wildlife officer on request.

13. Wildlife officers may inspect premises and herpetofauna

- (1) A licensee must, when requested by a wildlife officer to do so, allow the officer to inspect —
 - (a) the pet herpetofauna to which the licence relates; and
 - (b) the place where the licensee keeps the pet herpetofauna.
- (2) Subsection (1)(b) does not apply if the place where the pet herpetofauna are kept is a bedroom or bathroom of a residential premises, but in that case the licensee must bring the animal out of that place to allow the officer to inspect it.

14. Taking, importing and exporting fees

- (1) A licensee authorised to take pet herpetofauna must, when lodging a report under regulation 12(1)(b), pay a fee of —
 - (a) \$5 for each category 1 animal;
 - (b) \$20 for each category 2 animal;
 - (c) \$50 for each category 3 animal;
 - (d) \$100 for each category 4 animal; and
 - (e) \$200 for each category 5 animal,taken by the licensee during the period covered by the report.
- (2) A licensee authorised to import pet herpetofauna must, when lodging a report under regulation 12(1)(b), pay a fee of —
 - (a) \$10 for each category 2 animal;
 - (b) \$25 for each category 3 animal;
 - (c) \$50 for each category 4 animal; and
 - (d) \$100 for each category 5 animal,imported under the licence.
- (3) A licensee authorised to export pet herpetofauna must, when lodging a report under regulation 12(1)(b), pay a fee of \$150 plus \$10 for each animal in excess of 5 exported under the licence.

15. Permission of land owner required before taking

A licensee authorised to take pet herpetofauna must, before taking any pet herpetofauna, obtain the written permission of the owner, occupier or authority responsible for the management of the land from which the pet herpetofauna is to be taken.

16. Duration of pet herpetofauna licences

Unless revoked under section 15(2) of the Act —

- (a) a keeper's or herpetofauna dealer's licence remains in force for 1, 2 or 3 years as specified in it;
- (b) a taker's or herpetofauna farmer's licence remains in force for 1 year;
- (c) an importer's or herpetofauna exporter's licence remains in force until —
 - (i) the licensee has imported or exported one consignment of pet herpetofauna under the licence; or
 - (ii) the expiry of the period specified in the licence, which is not to exceed 6 months,whichever occurs first.

17. Reptile removalist's licences

- (1) Under section 15 of the Act the Executive Director may issue a reptile removalist's licence that authorises the licensee to capture and remove from, in or near residential premises or other premises frequented by people fauna of the class *Reptilia* that —
 - (a) is venomous;
 - (b) is, or is perceived to be, dangerous to persons at those premises or to their pets or livestock; or
 - (c) is likely to suffer harm if not removed from those premises.

- (2) An application for a reptile removalist's licence —
- (a) is to be made to the Executive Director, in writing in an approved form; and
 - (b) is to be accompanied by —
 - (i) such references testifying to the experience and ability of the applicant; and
 - (ii) such other information, as the Executive Director requires.
- (3) The Executive Director may refuse to issue a reptile removalist's licence if the Executive Director considers that —
- (a) the applicant has been convicted of an offence under the Act or has failed to comply with a condition imposed on a licence under the Act;
 - (b) the applicant does not have sufficient experience or ability to properly capture, move and release reptiles of the species for which the licence is sought;
 - (c) the applicant is not able to identify all species of reptiles to which the licence would relate;
 - (d) the manner in which the applicant proposes to take, move or release reptiles is not appropriate; or
 - (e) for any other reason —
 - (i) the operation of the licence would not be in the public interest;
 - (ii) the applicant is not a suitable person to hold the licence; or
 - (iii) the licence should not be issued.
- (4) Unless revoked under section 15(2) of the Act a reptile removalist's licence remains in force for 1, 2 or 3 years as specified in it.

18. Conditions on reptile removalist's licences

- (1) Subject to subregulation (2) it is a condition of a reptile removalist's licence that the licensee must release reptiles captured by the licensee —
 - (a) within the specified period or any longer period that is approved; and
 - (b) in a place where such reptiles are ordinarily found in the wild or any other place that is approved.
- (2) If releasing a taken reptile in accordance with subregulation (1) is impracticable —
 - (a) because the reptile is ill or injured;
 - (b) because a suitable release site is not reasonably available; or
 - (c) for any other reason,the holder of a reptile removalist's licence may —
 - (d) deliver the reptile to a wildlife officer;
 - (e) with the approval of the Executive Director, deliver the reptile to a person who holds a pet herpetofauna licence authorising the person to keep it; or
 - (f) if the reptile is sick, diseased or injured keep it temporarily in accordance with regulation 28 of the *Wildlife Conservation Regulations 1970*.
- (3) It is a condition of a reptile removalist's licence that the licensee must —
 - (a) maintain, in an approved form, the specified records of the licensee's activities; and
 - (b) give to the Executive Director, in an approved form, the specified reports of the licensee's activities at the specified times.

- (4) Without limiting section 15(5) of the Act the Executive Director may impose on a reptile removalist's licence conditions relating to —
- (a) the species of reptiles that the licensee may take;
 - (b) the manner in which the reptiles are to be taken, kept and released;
 - (c) the areas in which the licensee may take and release reptiles;
 - (d) the persons who may assist the licensee in taking, keeping and releasing reptiles;
 - (e) the information that the licensee is to give to persons who ask the licensee to remove reptiles;
 - (f) the safety precautions that are to be taken by the licensee; and
 - (g) genetic, health and other testing of reptiles taken by the licensee.

19. Waiver, deferral or refund of fees

The Executive Director may waive, or defer the time for payment of, any fees payable under these regulations or refund all or part of any fee paid under these regulations.

Schedule 1 — Licence fees

[r. 6(1)(c)]

| | Licence | Fee (\$) |
|----|--|-----------------|
| 1. | Herpetofauna keeper's licence (category 2) — | |
| | For 1 year | 20 |
| | For 2 years | 35 |
| | For 3 years | 40 |
| 2. | Herpetofauna keeper's licence (category 3) — | |
| | For 1 year | 40 |
| | For 2 years | 75 |
| | For 3 years | 100 |
| 3. | Herpetofauna keeper's licence (category 4) — | |
| | For 1 year | 100 |
| | For 2 years | 180 |
| | For 3 years | 240 |
| 4. | Herpetofauna keeper's licence (category 5) — | |
| | For 1 year | 300 |
| | for 2 years | 500 |
| | for 3 years | 650 |
| 5. | Herpetofauna dealer's licence (category 3) — | |
| | if applicant holds a licence under regulation 13 of the <i>Wildlife Conservation Regulations 1970</i> — | |
| | for 1 year | 160 |
| | for 2 years | 300 |
| | for 3 years | 440 |
| | otherwise — | |
| | for 1 year | 200 |
| | for 2 years | 360 |
| | for 3 years | 500 |

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| | Licence fees | Schedule 1 |
|-----|---|------------|
| 6. | Herpetofauna dealer's licence (category 4) — if applicant holds a licence under regulation 13 of the <i>Wildlife Conservation Regulations 1970</i> — | |
| | for 1 year | 400 |
| | for 2 years | 700 |
| | for 3 years | 950 |
| | otherwise — | |
| | for 1 year | 500 |
| | for 2 years | 800 |
| | for 3 years | 1 050 |
| 7. | Herpetofauna dealer's licence (category 5) — if applicant holds a licence under regulation 13 of the <i>Wildlife Conservation Regulations 1970</i> — | |
| | for 1 year | 1 200 |
| | for 2 years | 2 200 |
| | for 3 years | 3 100 |
| | otherwise — | |
| | for 1 year | 1 500 |
| | for 2 years | 2 500 |
| | for 3 years | 3 250 |
| 8. | Herpetofauna taker's licence | 1 000 |
| 9. | Herpetofauna farmer's licence | 1 000 |
| 10. | Herpetofauna importer's licence — | |
| | for Zoological Gardens Board under the <i>Zoological Gardens Act 1972</i> | nil |
| | if applicant owns the pet herpetofauna, is moving to Western Australia to become a resident in this State and holds, or has applied for, a herpetofauna keeper's licence | nil |
| | otherwise | 30 |

Schedule 1 Licence fees

| | | |
|-----|---|-----|
| 11. | Herpetofauna exporter's licence — | |
| | for Zoological Gardens Board under the <i>Zoological Gardens Act 1972</i> | nil |
| | otherwise | 30 |

Notes

- ¹ This is a compilation of the *Wildlife Conservation (Reptiles and Amphibians) Regulations 2002*. The following table contains information about those regulations.

Compilation table

| Citation | Gazettal | Commencement |
|---|---------------------------|------------------------|
| <i>Wildlife Conservation (Reptiles and Amphibians) Regulations 2002</i> | 20 Sep 2002 p. 4727-48 | 21 Sep 2002 (see r. 2) |