

#### 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.