

CO301*

Wildlife Conservation Act 1950

Wildlife Conservation Amendment Regulations 2002

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Wildlife Conservation Amendment Regulations 2002*.

2. Commencement

These regulations come into operation on the day on which the *Wildlife Conservation (Reptiles and Amphibians) Regulations 2002* come into operation.

3. The regulations amended

The amendments in these regulations are to the *Wildlife Conservation Regulations 1970**.

[* Reprinted 30 January 1992.

For amendments to 5 March 2002 see 2000 Index to Legislation of Western Australia, Table 4, p. 412 and Gazette 14 August 2001.]

4. Regulation 3 amended

Regulation 3 is amended by inserting the following definition in the appropriate alphabetical position —

“

“Pet Herpetofauna Regulations” means the *Wildlife Conservation (Reptiles and Amphibians) Regulations 2002*;

”.

5. Regulation 12A amended

Regulation 12A(1) is amended by inserting after “avian fauna” —

“

and excluding fauna that is declared under the Pet Herpetofauna Regulations to be pet herpetofauna

”.

6. Regulation 14 amended

After regulation 14(1) the following subregulation is inserted —

“

- (1aa) A fauna farm licence shall not be issued in relation to fauna that is declared under the Pet Herpetofauna Regulations to be pet herpetofauna.

”.

7. Regulation 18 amended

- (1) After regulation 18(1) the following subregulation is inserted —

“

- (1a) A licence referred to in subregulation (1) shall not be issued in relation to fauna that is declared under the Pet Herpetofauna Regulations to be pet herpetofauna.

”.

- (2) Regulation 18(6) is amended by inserting after “this regulation” —

“ or the Pet Herpetofauna Regulations ”.

8. Regulation 19 amended

After regulation 19(2) the following subregulation is inserted —

“

- (2a) A licence referred to in subregulation (2) shall not be issued in relation to fauna that is declared under the Pet Herpetofauna Regulations to be pet herpetofauna.

”.

9. Regulation 28 replaced and regulation 28A inserted

Regulation 28 is repealed and the following regulations are inserted instead —

“

28. Certain fauna not to be kept without a licence

A person must not keep fauna in captivity or confinement unless —

- (a) it is category I herpetofauna under the Herpetofauna Regulations;
- (b) it is avian fauna listed in regulation 3A;

- (c) it is kept in accordance with a licence issued under these regulations or the Herpetofauna Regulations; or
- (d) it is temporarily kept in accordance with regulation 28A.

28A. Caring for sick or injured fauna

- (1) A person may temporarily keep in captivity or confinement fauna that is sick, diseased or injured or that is abandoned juvenile fauna, for the purpose of caring for it until it recovers or becomes capable of fending for itself.
- (2) A person who takes into captivity or confinement under subregulation (1) fauna that has been declared by the Minister, by notice in the *Gazette*, to be notifiable, must notify the Minister within the period specified in the notice that the person is keeping the fauna.
- (3) A person who keeps fauna under subregulation (1) must, as soon as practicable after it recovers or becomes capable of fending for itself, release it in a place where such fauna is ordinarily found in the wild.
- (4) If a person keeping fauna under subregulation (1) —
 - (a) is directed to do so by a wildlife officer; or
 - (b) is unable to release the fauna in accordance with subregulation (3),

the person must —

- (c) give the fauna to a wildlife officer;
- (d) with the approval of the Minister, give it to a person who is authorized under a licence to keep it; or
- (e) if it is unlikely to recover or become able to fend for itself, have it humanely destroyed.
- (5) In subregulation (1) —
 - “**abandoned juvenile fauna**” means fauna —
 - (a) of a species the juveniles of which are normally cared for by a parent;
 - (b) that is of an age at which it would normally still be being cared for by a parent; and
 - (c) that has been abandoned by its parents.

”.

10. References to Pet Herpetofauna Regulations inserted

- (1) The provisions set out in the Table to this regulation are amended by inserting after “these regulations” —
 - “ or the Pet Herpetofauna Regulations ”.

Table of amendments

reg. 7(11)(b)

reg. 10(5)

reg. 16(1)

reg. 50(4)

reg. 57

reg. 60(1), (2)

- (2) Regulation 54(1)(b), (3), (4)(i), (9)(b) and (11)(c) are amended by deleting “or these regulations” and inserting instead —

“ , these regulations or the Pet Herpetofauna Regulations ”.

By Command of the Lieutenant-Governor and
deputy of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.