

— PART 1 —

CONSERVATION

CO301*

Wildlife Conservation Act 1950

Wildlife Conservation Amendment Regulations 2003

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Wildlife Conservation Amendment Regulations 2003*.

2. The regulations amended

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

[* Reprinted as at 7 June 2002.

For amendments to 10 December 2002 see Gazette 24 September 2002.]

3. Regulation 3 amended

Regulation 3 is amended by deleting the definition of “Pet Herpetofauna Regulations” and inserting the following definition instead —

“

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

”.

4. Regulation 12A amended

Regulation 12A(1) is amended by deleting “and excluding fauna that is declared under the Pet Herpetofauna Regulations to be pet herpetofauna” and inserting instead —

“

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

”.

5. Regulation 14 amended

Regulation 14(1aa) is repealed and the following subregulation is inserted instead —

“

- (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.

”.

6. Regulation 18 amended

- (1) Regulation 18(1a) is repealed and the following subregulation is inserted instead —

“

- (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 deleting “ or the Pet Herpetofauna Regulations” and inserting instead —

“ or the Pet Herpetofauna Regulations ”.

7. Regulation 19 amended

Regulation 19(2a) is repealed and the following subregulation is inserted instead —

“

- (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.

”.

8. Regulations 28 and 28A replaced

Regulations 28 and 28A are repealed and the following regulations are inserted instead —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 1 pet herpetofauna under the Pet 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 Pet 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 authorised 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.

”.

9. References to Pet Herpetofauna Regulations inserted

- (1) Each provision referred to in the Table to this regulation is amended by deleting “or the Pet Herpetofauna Regulations” and inserting instead —

“ or the Pet Herpetofauna Regulations ”.

Table

- r. 7(11)(b)
- r. 10(5)
- r. 16(1)

r. 50(4)

r. 57

r. 60(1), (2)

- (2) Regulation 54(1)(b)(i), (3), (4)(i), (9)(b) and (11)(c) are amended by deleting “, these regulations or the Pet Herpetofauna Regulations” in each place where it occurs and inserting instead —

“ , these regulations or the Pet Herpetofauna Regulations ”.

By Command of the Governor,

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