

CM701

WILDLIFE CONSERVATION ACT 1950**WILDLIFE CONSERVATION AMENDMENT REGULATIONS 1991**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Wildlife Conservation Amendment Regulations 1991*.

Commencement

2. These regulations shall come into operation on 1 June 1991.

Principal regulations

3. In these regulations the *Wildlife Conservation Regulations 1970** are referred to as the principal regulations.

[*Reprinted in the Gazette of 8 March 1982 at pp. 747-800. For amendments to 1 May 1991 see p. 420-421 of 1990 Index of Legislation of Western Australia.]

Regulation 3 amended

4. Regulation 3 of the principal regulations is amended—

(a) by deleting the definition of “affix” and substituting the following definition—

“ “affix”, in relation to a tag, means to pass the tail of the tag through part of the skin or carcass, as required by the Executive Director, and then through the slot in the tag in such a manner that the selfsealing mechanism is activated and the tag cannot be removed unless the tag or the skin or carcass is deliberately cut, or to fix the tag to the skin or carcass in such other manner as may be required by the Executive Director; ”;

(b) by deleting the definition of “closed area”;

and

(c) by deleting the definition of “tag” and substituting the following definition—

“ “tag” means a tag issued by the Executive Director to the holder of a licence under these regulations; ”.

Regulation 6 amended

5. Regulation 6 of the principal regulations is amended—

(a) in subregulation (1)—

(i) by deleting both commas; and

(ii) by deleting “to take kangaroos for sale”;

(b) in subregulation (3) by inserting after “in the licence” the following—

“ and to process in the field the kangaroos taken to the extent of evisceration and removal of head, tail, limbs and, where specified in the licence, skin ”; and

(c) in subregulation (5) by deleting “shall be \$25” and substituting the following—

“ is \$60 ”.

Regulation 7 amended

6. Regulation 7 of the principal regulations is amended—

(a) by repealing subregulation (5) and substituting the following subregulation—

“ (5) The fee payable for the issue under this regulation of a licence in respect of—

- (a) emus is \$300;
- (b) kangaroos is \$300;
- (c) crocodiles is \$300;
- (d) other fauna is \$250. ”;

and

(b) by inserting after subregulation (8) the following subregulation—

“ (8a) Notwithstanding subregulation (8), the holder of a licence shall ensure, where it is required by a condition of the licence, that the tag remains attached to the skin, while it remains a whole skin, during all stages of processing. ”.

Regulations 8, 8A and 9 repealed and regulations substituted

7. Regulations 8, 8A and 9 of the principal regulations are repealed and the following regulations are substituted—

Licence to deal in carcasses of fauna

“ 8. (1) Pursuant to section 15 of the Act, the Minister may issue licences, to be known as direct dealer's licences, to authorize the purchase or receipt of carcasses of fauna from persons licensed under regulation 5, 6 or 14.

(2) The fee for a direct dealer's licence is \$60.

(3) The holder of a direct dealer's licence—

- (a) shall not have in his possession or under his control a tag that is not attached to the carcass or skin of fauna; and
- (b) shall ensure that a tag that becomes detached from the carcass or skin of fauna is re-attached.

(4) A person shall not take delivery of, transport, permit to remain on his premises or otherwise possess fauna unless it is marked with a tag as prescribed.

Use of chiller units

8A. (1) A person shall not use a chiller unit to hold carcasses of fauna unless—

- (a) the owner of the chiller unit has registered it with the Executive Director; and
- (b) the registered number allocated to the chiller unit is printed on it in black symbols at least 150 millimetres high against a yellow background and in a prominent position as directed by the Executive Director.

(2) A person shall not receive fauna into, or permit fauna to remain in, a chiller unit unless the fauna is marked with a tag as prescribed.

(3) If the owner of a chiller unit is the holder of a licence issued under regulation 7 or 8 and another person is in charge of the chiller unit, the owner shall take all reasonable steps to ensure that subregulations (1) (b) and (2) are complied with.

(4) Where a licence issued under section 17A of the Act is cancelled, the owner of the chiller unit shall remove the registration number displayed on the chiller unit.

(5) Where an owner does not comply with subregulation (4) after a request from a wildlife officer, the officer may do what is reasonably necessary to remove the number.

(6) The owner of a chiller unit shall notify the Executive Director—

- (a) of the name of the person who is in charge of the unit; and
- (b) when the owner disposes of or ceases to use the unit.

(7) In this regulation, “fauna” does not include fish.

Licence to transport carcasses and skins of fauna

9. (1) Pursuant to section 15 of the Act, the Minister may issue licences, to be known as transport licences, to authorize the transport of carcasses and skins of fauna.

(2) The fee for a transport licence is \$15.

(3) The holder of a transport licence shall—

- (a) notify the Executive Director of the number of registration under the *Road Traffic Act 1974* of each vehicle used by him to transport carcasses or skins of fauna and where the vehicle is being used;
- (b) register the vehicle with the Executive Director; and
- (c) paint the registered number allocated by the Executive Director on the vehicle in black symbols at least 150 millimetres high against a yellow background in a prominent position as directed by the Executive Director. ”.

Regulation 10 amended

8. Regulation 10 of the principal regulations is amended—

- (a) in subregulation (3) by deleting “shall be \$50” and substituting the following—
“ is \$100 ”;
- (b) in subregulation (4) by inserting before “fauna” the following—
“ approved ”; and
- (c) in subregulation (5) by inserting before “fauna” where it first appears the following—
“ approved ”.

Regulation 11 amended

9. Regulation 11 of the principal regulations is amended—

- (a) in subregulation (2) by deleting “shall be \$65” and substituting the following—
“ is \$150 ”; and
- (b) by repealing subregulation (6) and substituting the following subregulation—
“ (6) The holder of a trapper’s licence shall not take avian fauna—
 - (a) on a nature reserve;
 - (b) on other public land, without the written permission of the authority in which the land is vested; or
 - (c) on private land, without the written permission of the owner or occupier of the land. ”.

Regulation 12 amended

10. Regulation 12 of the principal regulations is amended—

- (a) in subregulation (8)—
 - (i) by deleting the comma after “3” and substituting a full stop; and
 - (ii) by deleting “and so long as that person does not sell any avian fauna.”; and
- (b) by repealing subregulations (9) and (10) and substituting the following subregulations—
“ (9) The Minister, when issuing an advanced avicultural licence, may impose a condition that the holder of the licence shall keep a record, in a form determined by the Executive Director, of all variations in the stock of any nominated species of avian fauna.
(10) Where the holder of an advanced avicultural licence is required to keep a record under subregulation (9), the Minister shall not renew that person’s licence until a copy of the record in respect of the preceding licence period has been furnished to the Executive Director. ”.

Regulation 13 amended

11. Regulation 13 of the principal regulations is amended—

- (a) by inserting after subregulation (1) the following subregulation—
“ (1aa) A licence referred to in subregulation (1) is not required to be held by a person who, under regulation 12 (8) (b), is not required to hold an avicultural licence. ”;
- (b) in subregulation (6) by inserting after “person” the following—
“ exempt from licensing under regulation 12 (8) (b) or a person ”;
and
- (c) in subregulation (7) by deleting “12 (8) (a)” and substituting the following—
“ 12 (8) (b) ”.

Regulation 14 amended

12. Regulation 14 of the principal regulations is amended—

(a) by repealing subregulation (1) and substituting the following subregulations—

“ (1) The Minister may issue licences, to be known as fauna farm licences, to authorize persons—

- (a) to farm and breed fauna for sale or commercial display;
- (b) to sell eggs of fauna;
- (c) to transport live fauna to or from other licensed farms or between licensed farms and licensed processing works; and
- (d) to sell products derived from processing authorized under subregulation (1a).

(1a) The Minister may in a fauna farm licence authorize the slaughter on the farm of fauna that are the subject of the licence and such limited processing on the farm as the Executive Director may determine is appropriate for the farming activity. ”;

(b) by repealing subregulation (5) and substituting the following subregulation—

“ (5) The fee payable for the issue under this regulation of a fauna farm licence in respect of—

- (a) emus is \$250;
- (b) crocodiles is \$500; and
- (c) other fauna is \$250. ”;

and

(c) in subregulation (6) by deleting “or transferred to such farm” and substituting the following—

“ from the wild ”.

Regulation 16 amended

13. Regulation 16 of the principal regulations is amended—

(a) in subregulation (2)—

(i) by deleting the designation “(a)”;

(ii) by deleting the designations “(i)”, “(ii)” and “(iii)” and substituting respectively the following designations—

“ “(a)”, “(b)” and “(c)” ”; and

(iii) by deleting paragraph (b);

and

(b) by inserting after subregulation (2), the following subregulation—

“ (2a) Except where a waiver or reduction in the fee is granted by the Executive Director, a fee of \$50 for one class of fauna or \$100 for 2 or more classes of fauna is payable by a person who does not hold a licence under regulation 12 or 14 and, in the opinion of the Executive Director, keeps fauna in captivity or confinement for gain or reward. ”.

Regulation 19 amended

14. Regulation 19 of the principal regulations is amended in subregulation (4) by deleting “fauna” where it first appears and substituting the following—

“ animals ”.

Regulation 24 amended

15. Regulation 24 of the principal regulations is amended by repealing subregulation (2) and substituting the following subregulation—

“ (2) A licence issued under these regulations remains current for the period specified in the licence. ”.

Regulation 24A inserted

16. After regulation 24 of the principal regulations, the following regulation is inserted—

Records and returns

“ 24A. (1) The Executive Director may require holders of licences issued under these regulations—

(a) to keep records in such form; and

(b) to furnish returns in such form and at such intervals,

as the Executive Director may determine, either generally or in relation to each case or class of case, and the holder of a licence shall comply with any such requirement imposed on him.

(2) Where a return required to be submitted is the original of a record, the holder of the licence shall keep a duplicate of that record.

(3) A holder of a licence shall ensure that records required to be kept by him are made available for inspection by a wildlife officer on the demand of such officer. ”.

Regulation 26 amended

17. Regulation 26 of the principal regulations is amended—

(a) by repealing subregulation (1) and substituting the following subregulation—

“ (1) For the purposes of section 18 (1) of the Act, the rates of royalties are—

(a) grey kangaroos, red kangaroos and euros—30 cents for each skin and 30 cents for each carcass;

(b) emus—\$1.25 each;

(c) saltwater crocodiles—\$10 each;

(d) freshwater crocodiles—\$3 each; and

(e) all other fauna—75 cents each. ”;

and

(b) in subregulation (7) by inserting after “emu” the following—

“ , crocodile ”.

Regulation 27 amended

18. Regulation 27 of the principal regulations is amended by deleting “28 to 34A” and substituting the following—

“ 30 to 34 ”.

Headings to regulations 28 to 34A and 35 to 40 repealed

19. The headings to regulations 28 to 34A and 35 to 40 respectively of the principal regulations are repealed.

Regulation 50 amended

20. Regulation 50 of the principal regulations is amended—

(a) by inserting after subregulation (3), the following subregulation—

“ (3a) The Executive Director may require a person to affix a label or marker of a design approved by the Executive Director to any fauna product and a person who is the subject of such a requirement shall comply with it. ”;

(b) by inserting after subregulation (9) the following subregulation—

“ (9a) Subject to these regulations, a person shall not sever or cut the sealing mechanism of a sealed tag unless he is authorized to do so by the Executive Director. ”;

and

(c) in subregulation (11) by deleting “A” and substituting the following—

“ Subject to regulation 7 (8a), a ”.

Regulation 61 amended

21. Regulation 61 of the principal regulations is amended—

(a) in subregulation (1) by inserting after “fauna” wherever it occurs the following—

“ or flora ”;

(b) in subregulation (2)—

(i) by inserting after “fauna,” the following—

“ flora, ”; and

(ii) by inserting after “fauna” the following—

“ , flora ”;

and

(c) in subregulation (3) by inserting after “fauna,” wherever it occurs the following—

“ flora, ”.

First Schedule amended

22. The First Schedule to the principal regulations is amended—

(a) by inserting after clause 1 the following clause—

“ 1A. No fee is payable in respect of the export of scientific specimens of fauna or articles (such as carved emu eggs or tanned kangaroo skins) that are the personal property of a person who does not intend to use them for any commercial purpose, including sale, lease, hire or exchange. ”;

- (b) in clause 2 by deleting "live fauna" and substituting the following—
" fauna (live or dead) "; and
- (c) by repealing clause 3.

Heading to Second Schedule amended

23. The heading to the Second Schedule is amended by deleting "LIVE".

Second Schedule amended

24. The Second Schedule to the principal regulations is amended—

- (a) by inserting after clause 1 the following clause—
" 1A. No fee is payable in respect of the bringing into the State from another State or a Territory of scientific specimens of fauna or of articles (such as carved emu eggs or tanned kangaroo skins) that are the personal property of a person who does not intend to use them for any commercial purpose, including sale, lease, hire or exchange, if the fauna or articles have been lawfully obtained and kept in the State or Territory of origin. ";
- and
- (b) in clause 2 by deleting "live fauna" and substituting the following—
" fauna or other animals ".

Appendix A amended

25. Appendix A to the principal regulations is amended—

- (a) by deleting Forms 1 to 13, 16 and 17;
- (b) in Form 14—
 - (i) by deleting "and illegal" and substituting the following—
" /flora/illegal "; and
 - (ii) by deleting "and device(s)" and substituting the following—
" /flora/device(s) ";
- and
- (c) in Form 15 by deleting "fauna, and/or" and substituting the following—
" fauna/flora/ ".

Appendix B repealed

26. Appendix B to the principal regulations is repealed.

Appendix C amended

27. Appendix C to the principal regulations is amended—

- (a) in Part A by inserting in Item 3 after the entry as to—
 - (i) Red-Chested Button-Quail, the following entry—
" Painted Button-Quail *Turnix varia* ";
 - (ii) Green-Winged Pigeon, the following entry—
" Common Bronzewing *Phaps chalcoptera* ";
 - (iii) Red-Collared Lorikeet, the following entries—
" Musk Lorikeet *Glossopsitta concinna*
Little Lorikeet *Glossopsitta pusilla* ";
- and
- (iv) Alexandra's (Princess) Parrot, the following entry—
" Regent (Smoker) Parrot *Polytelis anthopeplus* ";
- and
- (b) in Part B by deleting the 5 entries that were inserted in Item 3 of Part A by paragraph (a).

Various regulations repealed

28. The provisions of the principal regulations specified in the following table are repealed—

TABLE

Regulations 6 (2), (6), (7) and (8), 7 (6), (9b) and (10), 10 (6) and (7), 11 (5), 12 (5), 12A (5), 12B (3) and (4), 13 (4), (4a), (4b) and (5), 14 (2) and (3), 15 (5), 16 (3), 17 (2) and (3), 18 (5) and (7), 20 (3) (b), 21 (4) and (6), 22 (4) and (6), 23 (3) and (4), 38, 40A (4), 47 (3) and 62 and Part 5.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.