

**WILDLIFE CONSERVATION ACT 1950****WILDLIFE CONSERVATION AMENDMENT REGULATIONS 1990**

Made by His Excellency the Lieutenant-Governor and Administrator in Executive Council.

**Citation**

1. These regulations may be cited as the *Wildlife Conservation Amendment Regulations 1990*.

**Principal regulations**

2. In these regulations the *Wildlife Conservation Regulations\** are referred to as the principal regulations.

[\*Reprinted in the Gazette of 8 March 1982 at pp. 747-800. For amendments to 15 December 1989 see page 413 of 1988 Index to Legislation of Western Australia and Gazette of 18 August 1989.]

**Regulation 1 amended**

3. Regulation 1 of the principal regulations is amended by deleting "Wildlife Conservation Regulations" and substituting the following—

" *Wildlife Conservation Regulations 1970* ".

**Regulation 2 repealed**

4. Regulation 2 of the principal regulations is repealed.

**Regulation 3 amended**

5. Regulation 3 of the principal regulations is amended by—

- (a) inserting before the definition of "affix" the following definition—

" "advanced avicultural licence" means advanced avicultural licence referred to in regulation 12 (3a); "
- (b) deleting the definition of "Appendix";
- (c) deleting the definition of "aviculturist's licence" and substituting the following definition—

" "avicultural licence" means avicultural licence referred to in regulation 12 (3); "
- (d) deleting the definitions of "regulation", "Schedule" and "the Act"; and
- (e) deleting "other than avian fauna" in the definition of "wildlife licence" and substituting the following—

" , including Emus *Dromaius novaehollandiae* but excluding all other avian fauna, ".

**Regulation 3A repealed and substituted**

6. Regulation 3A of the principal regulations is repealed and the following regulation is substituted—

**Exempt species of avian fauna**

“3A. Regulations 12, 13, 14, 16, 18 and 19 do not apply to—

- (a) King Quail *Coturnix chinensis*;
- (b) peaceful Dove *Geopelia placida*;
- (c) Diamond Dove *Geopelia cuneata*;
- (d) Cockatiel or Weero *Nymphicus hollandicus*;
- (e) Budgerigah *Melopsittacus undulatus*;
- (f) Chestnut-breasted Mannikin *Lonchura castaneothorax*;
- (g) Star Finch *Neochmia ruficauda*;
- (h) Long-tailed (Blackheart) Finch *Poephila acuticauda*;
- (i) Banded (Double-bar) Finch *Poephila bichenovii*;
- (j) Zebra Finch *Poephila guttata*.

**Regulation 11 amended**

7. Regulation 11 of the principal regulations is amended in subregulation (6) (a) by deleting “or wildlife sanctuary”.

**Regulation 12 amended**

8. Regulation 12 of the principal regulations is amended—

- (a) in subregulation (1) by deleting—
  - (i) “a licence to be known as an avian fauna licence authorizing a person” and substituting the following—
    - “ avicultural licences and advanced avicultural licences authorizing persons ”; and
  - (ii) “in captivity” and substituting the following—
    - “ specified in Appendix C in captivity for hobby purposes ”;
- (b) in subregulation (2) by deleting—
  - (i) “A person” and substituting the following—
    - “ Subject to regulations 13, 14 and 16, a person ”; and
  - (ii) “such a licence” and substituting the following—
    - “ an avicultural licence or an advanced avicultural licence, whichever is appropriate ”;
- (c) by repealing subregulation (3) and substituting the following subregulations—
  - (3) An avicultural licence is a licence entitling its holder to breed and keep the avian fauna or species or classes of avian fauna specified in Part A of Appendix C.
  - (3a) An advanced avicultural licence is a licence entitling its holder to breed and keep the avian fauna or species or classes of avian fauna specified in Part A of Appendix C and such individual birds of the species or classes of avian fauna specified in Parts B, C and D of that Appendix as are listed in the advanced avicultural licence. ”;
- (d) in subregulation (4) (b) by deleting “birds” in both places where it occurs and substituting in each place the following—
  - “ avian fauna ”;
- (e) by repealing subregulation (6) and substituting the following—
  - “ (6) The fees payable with respect to the issue of a licence under this regulation or the renewal thereof are as follows—
    - (a) avicultural licence—\$10;
    - (b) advanced avicultural licence—\$20. ”;
- (f) in subregulation (7) by—
  - (i) inserting after “to his licence” in paragraph (b) the following—
    - “ , other than avian fauna—
      - (i) bred from avian fauna lawfully kept; or
      - (ii) lawfully acquired,
    - by that holder ”
  - (ii) inserting before “fauna” in both places where it occurs in paragraph (c) the following—
    - “ avian ”;

(iii) deleting paragraph (e) and substituting the following paragraph—

“ (e) without the the issue to him before, or within one working day after, the sale or other disposal concerned of a serially numbered authority in writing, endorsed by a wildlife officer or an officer authorized in writing by the Executive Director to make such an endorsement, sell or otherwise dispose of any avian fauna of a species or class specified in Part B, C or D of Appendix C; ”;

(iv) inserting after “those avian fauna” in paragraph (f) the following—

“ unless that person is exempted in respect of those avian fauna by subregulation (8) (b) ”;

and

(g) by repealing subregulations (7a) and (8) and substituting the following subregulations—

“ (8) Nothing in this regulation applies to—

(a) the breeding or keeping of Emus *Dromaius novaehollandiae*; or

(b) a person who keeps any number of avian fauna that are of the species or classes specified in Part A of Appendix C so long as the number so kept does not—

(i) in the case of the avian fauna listed in item 1 of that Part, exceed 9; and

(ii) in the case of the avian fauna listed in item 2 of that Part, exceed 3,

and so long as that person does not sell any avian fauna.

(9) After the expiry of a period of 12 months commencing on the day on which the *Wildlife Conservation Amendment Regulations 1990* come into operation, the holder of an avicultural licence or advanced avicultural licence shall keep a book of record and shall record therein all variations of his avian fauna stock including acquisitions, purchases, disposals, sales, exchanges, gifts, hatchings, deaths and escapes and, if he is the holder of an advanced avicultural licence and that avian fauna stock includes avian fauna specified in Part B, C or D of Appendix C—

(a) the serial number of the authority issued under subregulation (7) (e) in respect of any sale or other disposal, or purchase or other acquisition, of avian fauna so specified; or

(b) if he purchases or otherwise acquires any avian fauna so specified from the holder of a bird dealer's licence which is a Special Licence, particulars of the advice of sale document issued to that holder under regulation 13 (1) in respect of that purchase or other acquisition.

(10) A licence under this regulation shall not be renewed until a copy of the record book referred to in subregulation (9) and relating to the licensing period just passed has been furnished to the Executive Director.

(11) In subregulation (7) (e)—

“working day” means day which is not an excluded day within the meaning of section 61 (2) of the *Interpretation Act 1984*. ”.

#### Regulation 12A amended

9. Regulation 12A of the principal regulations is amended—

(a) in subregulation (1) by deleting “, other than avian fauna,” and substituting the following—

“ , including Emus *Dromaius novaehollandiae* but excluding all other avian fauna, ”;

(b) by repealing subregulation (2);

(c) in subregulation (3) by deleting “or endorsed”;

(d) in subregulation (4) by deleting—

(i) “or an endorsement made”;

(ii) “or endorsement” in paragraph (b); and

(iii) “or endorsement” in paragraph (e);

(e) in subregulation (5) by deleting “or an endorsement made”;

- (f) by repealing subregulation (6) and substituting the following subregulation—
- “ (6) The fee payable for the issue of a licence under this regulation or for the renewal thereof is \$10.00. ”;
- (g) in subregulation (7) by—
- (i) deleting “or endorsed” where it first occurs;
- (ii) inserting in paragraph (a) before “have in his possession” the following—
- “ subject to paragraph (b), ”;
- (iii) deleting “or endorsed on” in paragraphs (a), (b) and (d);
- (iv) inserting after “to his licence” in paragraph (b) the following—
- “ , other than fauna—
- (i) bred from fauna lawfully kept; or
- (ii) lawfully acquired,
- by that holder and
- (v) deleting paragraph (e) and substituting the following paragraph—
- “ (e) sell any fauna. ”;
- and
- (h) by inserting after subregulation (7) the following subregulation—
- “ (8) The holder of a licence issued under this regulation may, with the authority in writing of the Executive Director, dispose of (otherwise than by sale) the fauna specified in that licence. ”.

### Regulation 13 amended

#### 10. Regulation 13 of the principal regulations is amended—

- (a) in subregulation (1) by inserting after “avian fauna” the following—
- “ and shall cause to be issued to holders of bird dealers’ licences serially numbered advice of sale documents for recording sales or other disposals of avian fauna specified in Part B, C or D of Appendix C by those holders ”;
- (b) in subregulation (1a) by deleting—
- (i) “deal in the species or classes of birds specified in Part A of Appendix C.” and substituting the following—
- “ deal in—
- (a) the species or classes of avian fauna specified in items 1 and 2 of Part A of Appendix C; or
- (b) Emus *Dromaius novaehollandiae*. ”;
- (ii) “birds specified in Part A and Part B of Appendix C” and substituting the following—
- “ avian fauna specified in items 1, 2 and 3 of Part A of Appendix C”; and
- (iii) “birds specified in Part A and Part B and such species of birds specified in Parts C and D of Appendix C” and substituting the following—
- “ avian fauna specified in Parts A and B of Appendix C and such species of avian fauna specified in Parts C and D of that Appendix ”;
- (c) in subregulation (1b) by deleting—
- (i) “\$25.00” and substituting the following—
- “ \$50 ”;
- (ii) “\$40.00” and substituting the following—
- “ \$100 ”; and
- (iii) “\$65.00” and substituting the following—
- “ \$200 ”;
- (d) in subregulation (3b) by deleting paragraph (a);
- (e) in subregulation (4) by—
- (i) deleting “immediately fauna” in paragraph (a) and substituting the following—
- “ subject to subregulation (4a), immediately avian fauna ”;
- (ii) inserting before “fauna” where it occurs for the second time in paragraph (a) the following—
- “ avian ”;

- (iii) deleting "those birds" in paragraph (a) and substituting the following—
    - " that avian fauna ";
  - (iv) deleting "birds" where it occurs for the second time in paragraph (a) and substituting the following—
    - "avian fauna "; and
  - (v) deleting paragraph (b) and substituting the following paragraph—
    - " (b) immediately avian fauna is—
      - (i) sold, he shall record the name, address and, if the person to whom the avian fauna is sold is the holder of a licence issued under these regulations, the number of that licence; or
      - (ii) consigned for export from the State, the number of the relevant export licence,
    - together with the number of each species of avian fauna sold or exported, as the case requires. ";
  - (f) by inserting after subregulation (4) the following subregulation—
    - " (4a) If an authority issued under regulation 12 (7) (e) authorizes a person to sell or otherwise dispose of avian fauna to the holder of a bird dealer's licence, that holder may comply with subregulation (4) (a) by recording the serial number of that authority in lieu of recording the number of a licence authorizing that sale or disposal.
    - (4b) The holder of a bird dealers' licence which is a Special Licence shall, in relation to each sale or other disposal of any avian fauna specified in Part B, C or D of Appendix C made by him to the holder of an advanced avicultural licence—
      - (a) complete an advice of sale document issued to him under subregulation (1) (in this subregulation called "the sale document");
      - (b) forward the original of the sale document to the Executive Director within one working day of that sale or other disposal;
      - (c) forward a duplicate of the sale document to the Executive Director with the original record furnished under subregulation (5) in respect of the month in which that sale or other disposal took place; and
      - (d) retain a duplicate of the sale document at the place of business shown on that bird dealer's licence. ";
  - (g) in subregulation (5) by deleting—
    - (i) "when each sheet is fully used or at the end of each month, whichever is the earlier," and substituting the following—
      - " at the end of each month "; and
    - (ii) "fifteen days thereof" and substituting the following—
      - " 15 days thereof, ";
  - (h) in subregulation (6) by inserting—
    - (i) before "fauna" wherever it occurs the following—
      - " avian "; and
    - (ii) after "from a person licensed" the following—
      - " , or authorized by an authority issued under regulation 12 (7) (e), ";
- and
- (i) in subregulation (7) by inserting after "the circumstances in question" the following—
    - " or that avian fauna is avian fauna referred to in regulation 3A or 12 (8) (a) ".

#### **Regulation 14 amended**

11. Regulation 14 of the principal regulations is amended in subregulation (5) by deleting "Acclimatization Committee appointed" and substituting the following—

" Zoological Gardens Board established ".

#### **Regulation 15 amended**

12. Regulation 15 of the principal regulations is amended in subregulation (4) (b) by deleting "wildlife sanctuary or other".

**Regulation 17 amended**

13. Regulation 17 of the principal regulations is amended in subregulation (6) by deleting "and on the formal recommendation of the Authority,".

**Regulation 18 amended**

14. Regulation 18 of the principal regulations is amended—

- (a) in subregulation (2) by deleting—
  - (i) "Conservator of Wildlife the appropriate licence fee, if any, computed in accordance with the provisions of" in paragraph (a) and substituting the following—
    - " Executive Director the appropriate fee (if any) referred to in "; and
  - (ii) "Acclimatization Committee appointed" in paragraph (b) (i) and substituting the following—
    - " Zoological Gardens Board established";
- (b) in subregulation (4) by deleting "parcel" and substituting the following—
  - " consignment "; and
- (c) in subregulation (7) by inserting after "specified therein" the following—
  - " or for such longer period as the Executive Director may on good cause shown by the holder of the licence allow in writing ".

**Regulation 19 amended**

15. Regulation 19 of the principal regulations is amended—

- (a) in subregulation (3) by deleting—
  - (i) "Conservator of Wildlife a sum of money sufficient to meet the appropriate licence fee computed in accordance with the provisions of the Second Schedule to these regulations." in paragraph (a) and substituting the following—
    - " Executive Director the administration fee (if applicable) referred to in the Second Schedule. "; and
  - (ii) "Acclimatization Committee appointed" in paragraph (b) (i) and substituting the following—
    - " Zoological Gardens Board established ";
- and
- (b) by inserting after subregulation (3) the following subregulation—
  - " (4) If a consignment of live fauna consists of both fauna imported into the State under a licence issued under this regulation and animals brought into the State under a licence issued under regulation 20, no administration fee is payable under regulation 20 in respect of that consignment. ".

**Regulation 20 amended**

16. Regulation 20 of the principal regulations is amended in subregulation (4) by—

- (a) inserting before "paragraph (b) of this subregulation" in paragraph (a) the following—
  - " regulation 19 (4) and ";
- (b) deleting "Conservator of Wildlife a sum of money sufficient to meet the appropriate licence fee computed in accordance with the provisions of the Second Schedule to these regulations." in paragraph (a) and substituting the following—
  - " Executive Director the administration fee (if applicable) referred to in the Second Schedule. "; and
- (c) deleting "Acclimatization Committee appointed" in paragraph (b) (i) and substituting the following—
  - " Zoological Gardens Board established ".

**Regulation 40A amended**

17. Regulation 40A of the principal regulations is amended—

- (a) in subregulation (1) by inserting after "eggs" the following—
  - " for the sole purpose of—
    - (a) carving or otherwise decorating the shells, or parts of the shells, of those eggs; or



DETAILS OF BIRDS SOLD/DIED DURING MONTH

Date	Species Number	Male	Female	Imma- ture	To Whom Sold (Name and Address) or Cause of Death
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

DETAILS OF BIRDS ON HAND AT END OF MONTH

Species Number	Male	Female	Imma- ture	Species Number	Male	Female	Imma- ture
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....	.....	.....

Address all returns to District Wildlife Officer .....

.....  
Signature of Licence Holder

- (c) in Form 7 by deleting—
  - “ Address all returns to the—  
Director of Fisheries and Wildlife  
Department of Fisheries and Wildlife,  
108 Adelaide Terrace Perth 6000; ”;
- (d) in Form 11 by deleting “Wildlife Conservation Act regulations” and substituting the following—
  - “ *Wildlife Conservation Regulations 1970* ”; and
- (e) in Form 12 by deleting “Wildlife Conservation Act Regulations” and substituting the following—
  - “ *Wildlife Conservation Regulations 1970* ”.

Appendix C amended

24. Appendix C to the principal regulations is amended—

(a) by deleting Parts A and B and substituting the following Parts—

- “ Part A
 

<ol style="list-style-type: none"> <li>1. Bourke’s Parrot</li> <li>Turquoise Parrot</li> <li>Scarlet-Chested Parrot</li> <li>Pictorella Mannikin</li> <li>Masked Finch</li> <li>2. Sulphur-Crested Cockatoo</li> <li>Galah</li> <li>Little Corella</li> <li>Long-Billed Corella (Central-West)</li> <li>Long-Billed Corella (Eastern)</li> <li>Port Lincoln Ringneck</li> <li>Western Rosella</li> <li>Red-Capped (WA King) Parrot</li> <li>3. Stubble Quail</li> <li>Brown Quail</li> <li>Red-Backed Button-Quail</li> <li>Red-Chested Button-Quail</li> <li>Little Button-Quail</li> <li>Bar-Shouldered Dove</li> <li>Green-Winged Pigeon</li> <li>Crested Pigeon</li> </ol>	<ul style="list-style-type: none"> <li><i>Neophema bourkii</i></li> <li><i>Neophema pulchella</i></li> <li><i>Neophema splendida</i></li> <li><i>Lonchura pectoralis</i></li> <li><i>Poephila personata</i></li> <li><i>Cacatua galerita</i></li> <li><i>Cacatua roseicapilla</i></li> <li><i>Cacatua sanguinea</i></li> <li><i>Cacatua pastinator butleri</i></li> <li><i>Cacatua tenuirostris</i></li> <li><i>Barnardius zonarius</i></li> <li><i>Platycercus icterotis</i></li> <li><i>Purpureicephalus spurius</i></li> <li><i>Coturnix novaezealandiae</i></li> <li><i>Coturnix australis</i></li> <li><i>Turnix maculosa</i></li> <li><i>Turnix pyrrhotorax</i></li> <li><i>Turnix velox</i></li> <li><i>Geopelia humeralis</i></li> <li><i>Chalcophaps indica</i></li> <li><i>Ocyphaps lophotes</i></li> </ul>
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Squatter Pigeon	<i>Petrophassa scripta</i>
Partridge Pigeon	<i>Petrophassa smithii</i>
Scaly-Breasted Lorikeet	<i>Trichoglossus chlorolepidotus</i>
Rainbow Lorikeet	<i>Trichoglossus haematodus</i>
Red-Collared Lorikeet	<i>Trichoglossus rubritorquis</i>
Alexandra's (Princess) Parrot	<i>Polytelis alexandrae</i>
Superb Parrot	<i>Polytelis swainsonii</i>
Red-Winged Parrot	<i>Aprosmictus erythropterus</i>
Australian (Eastern) King Parrot	<i>Alisterus scapularis</i>
Mallee Ringneck	<i>Barnardius barnardi barnardi</i>
Blue-Winged Parrot	<i>Neophema chrysostoma</i>
Elegant Parrot	<i>Neophema elegans</i>
Adelaide Rosella	<i>Platycercus elegans adelaidae</i>
Pale-Headed Rosella	<i>Platycercus adscitus</i>
Crimson Rosella	<i>Platycercus elegans elegans</i>
Eastern Rosella	<i>Platycercus eximius</i>
Yellow Rosella	<i>Platycercus elegans flaveolus</i>
Hooded Parrot	<i>Psephotus dissimilis</i>
Mulga Parrot	<i>Psephotus varius</i>
Red-Rumped Parrot	<i>Psephotus haematonotus</i>
Red-Vented Blue Bonnet	<i>Northiella haematogaster haematorrhous</i>
Yellow-Vented Blue Bonnet	<i>Northiella haematogaster haematogaster</i>
Plum-Headed Finch	<i>Aidemosyne modesta</i>
Diamond Firetail	<i>Emblema guttata</i>
Painted Firetail	<i>Emblema picta</i>
Red-Brown Firetail	<i>Emblema temporalis</i>
Gouldian Finch	<i>Erythrura gouldiae</i>
Blue-Faced Finch	<i>Erythrura trichroa</i>
Yellow-Rumped Mannikin	<i>Lonchura flaviprymna</i>
Crimson Finch	<i>Neochmia phaeton</i>
Black-Throated Finch	<i>Poephila cincta</i>

## Part B

Painted Button-Quail	<i>Turnix varia</i>
Spinifex (Red-Plumed) Pigeon	<i>Petrophassa plumifera</i>
Common Bronzewing	<i>Phaps chalcoptera</i>
Brush Bronzewing	<i>Phaps elegans</i>
Major Mitchell (Pink) Cockatoo	<i>Cacatua leadbeateri</i>
Gang-Gang Cockatoo	<i>Callocephalon fimbriatum</i>
Baudin's Black Cockatoo	<i>Calyptorhynchus baudinii</i>
Carnaby's Black Cockatoo	<i>Calyptorhynchus funereus latirostris</i>
Yellow-Tailed Black Cockatoo	<i>Calyptorhynchus funereus</i>
Red-Tailed Black Cockatoo	<i>Calyptorhynchus magnificus</i>
Eclectus Parrot	<i>Eclectus roratus</i>
Musk Lorikeet	<i>Glossopsitta concinna</i>
Purple-Crowned Lorikeet	<i>Glossopsitta porphyrocephala</i>
Little Lorikeet	<i>Glossopsitta pusilla</i>
Varied Lorikeet	<i>Psitteuteles versicolor</i>
Swift Parrot	<i>Lathamus discolor</i>
Regent (Smoker) Parrot	<i>Polytelis anthopeplus</i>
Green Rosella	<i>Platycercus caledonicus</i>
Northern Rosella	<i>Platycercus venustus</i>
Cloncurry Parrot	<i>Barnardius barnardi macgillivrayi</i>
Naretha (Little) Blue Bonnet	<i>Northiella haematogaster narethae</i>
Golden-Shouldered Parrot	<i>Psephotus chrysopterygius</i>
Rock Parrot	<i>Neophema petrophila</i> ”;

(b) in Part C by deleting “schedule” and substituting the following—

“ Appendix ”;

(c) in Part D by deleting—

(i) “special protection” and substituting the following—

“ some form of special protection ”;

(ii) “. (Excluding Alexandra (Princess) Parrot, Scarlet-chested Parrot and Black throated (Diggles and Parsons) Finch.” and substituting the following—

“ and not listed in Parts A and B. ”;

and

(iii) items 1, 2, 3, 4, 5, 6, 7 and 8.

**References to "Conservator of Wildlife"  
and "Conservator" replaced**

25. (1) The principal regulations are amended by deleting "Conservator of Wildlife" wherever it occurs in the provisions listed in the Table to this subregulation and substituting in each case the following—

" Executive Director "

**Table**

Regulations 3 (definitions of "registered" and "tag"), 6 (7) and (8), 7 (6) and (9b) (c), 8 (3a) (c), 8A (1), (4), (6) and (7), 9 (2) and (6), 10 (1) (definition of "registered agent"), (6) (a) and (7) (a), 11 (5) (b), 12 (4) (a), 12A (4) (a), 12B (4), 13 (5), 14 (3), 15 (2), (3) (e) and (5), 16 (2) (b) and (3), 17 (3), (5) and (6), 18 (2) (b) (ii), (3) and (5), 19 (3) (b) (ii), 20 (3) (a) and (4) (b) (ii), 21 (6), 22 (6), 23 (2), (3), (4) and (5), 24 (1), 25 (1) and (2), 26 (6), 29 (a), 35 (1), (2) and (5), 37 (1), (2) and (3), 39, 40 (1) and (2), 40A (4), 50 (2) (e), (6) (b), (7), (8), (9) and (13), 51 (1) and (2), 53, 54 (10), 56C, 56E (2), 56G (1), 58, 59 (1) and 61 (3), First Schedule (paragraph 1) and Appendix A (Forms 13, 16 and 17).

(2) The principal regulations are amended in regulations 15 (4) (a) and 40A (4) by deleting "Conservator" and substituting in each case the following—

" Executive Director "

Dated this 24 April 1990.

By His Excellency's Command,

G. PEARCE, Clerk of the Council.