



Western Australia

Wildlife Conservation Act 1950

Wildlife Conservation Regulations 1970

As at 12 Apr 2013

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Western Australia

Wildlife Conservation Regulations 1970

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Reprinted under the
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at 12 April 2013

Western Australia

Wildlife Conservation Act 1950

Wildlife Conservation Regulations 1970

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Wildlife Conservation Regulations 1970*¹.

[*Regulation 1 amended in Gazette 24 Dec 1976 p. 5047;*
1 Jun 1990 p. 2477.]

[2. *Deleted in Gazette 1 Jun 1990 p. 2477.*]

3. Terms used

In these regulations, unless the contrary intention appears —
advanced avicultural licence means advanced avicultural licence referred to in regulation 12(3a);

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 Director², 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 Director²;

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authorised means authorised in writing by the Minister to exercise the powers conferred by these regulations;

avicultural licence means avicultural licence referred to in regulation 12(3);

bird dealer's licence means a licence issued pursuant to regulation 13 to authorise the holder to buy and sell or otherwise deal in avian fauna;

chiller unit means and includes any trailer, vehicle, vessel or conveyance of any kind or any cold store or cold room used for the holding for any period of time of any fauna;

damage licence means a licence issued pursuant to regulation 5 to the owner or occupier of land for the purpose of destroying fauna causing damage to his property;

direct dealer means a person who buys or receives carcasses of fauna from persons licensed under regulation 5, 6 or 14;

fauna farm licence means a licence issued pursuant to regulation 14;

illegal tag means any device, other than an unused or sealed tag, which is likely to be or capable of being, or intended to be, confused with or represented as being a tag;

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

professional shooter's licence means a licence issued pursuant to regulation 6 to authorise the holder to take kangaroos for sale;

registered means approved and registered by the Executive Director² pursuant to these regulations;

registered route means a registered route on or along which a registered transport or chiller unit may be driven, towed, or taken in a closed area;

tag means a tag issued by the Executive Director² to the holder of a licence under these regulations;

transport unit means any vehicle or vessel of any kind associated or used in the transport of any fauna;

trapper's licence means a licence issued pursuant to regulation 11 to authorise the holder to take avian fauna for sale;

wildlife licence means a licence issued pursuant to regulation 12A to authorise the holder to keep fauna, including Emus *Dromaius novaehollandiae* but excluding all other avian fauna, subject to conditions imposed.

[Regulation 3 amended in Gazette 24 Dec 1976 p. 5047 and 5053-4; 21 Jul 1978 p. 2642; 1 Jun 1990 p. 2477 and 2486; 31 May 1991 p. 2649; 9 Oct 1992 p. 4971; 24 Sep 2002 p. 4763; 4 Feb 2003 p. 323.]

Part 2 — Licences

3A. Exempt species of avian fauna

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) Budgerygah *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 3A inserted in Gazette 1 Jun 1990 p. 2478.]

4. Licence to take dangerous fauna

Any licence to take dangerous fauna expires on the date shown thereon, and there may be specified in the licence —

- (a) the number and species of fauna which may be taken; and
- (b) by whom the fauna may be taken; and
- (c) the area or place where the fauna may be taken; and
- (d) the manner in which, the time of day and when, the fauna may be taken; and
- (e) the manner in which the fauna may be disposed of or the person to whom the fauna may be taken for disposal; and

- (f) the returns which the licence holder shall submit and the period within which the returns shall be submitted,

and without limiting the operation of any condition endorsed on the licence pursuant to section 15(5) of the Act, the licence authorises the holder to take and deal with dangerous fauna only in accordance with the requirements specified in the licence pursuant to this subregulation.

5. Licence to take protected fauna causing damage to property

- (1) For the purposes of section 15 of the Act, the Minister may issue licences, to be known as damage licences, to take fauna causing damage to property.
- (2) Any damage licence expires on the date shown thereon, and there may be specified in the licence —
 - (a) the number and species of fauna which may be taken; and
 - (b) the area or place where the fauna may be taken; and
 - (c) the person or persons who may take the fauna; and
 - (d) the manner in which, and the time of day when, the fauna may be taken; and
 - (e) the manner in which the skins and carcasses, either separately or together, shall be disposed of or the person or persons to whom the skins or carcasses shall be taken for disposal; and
 - (f) the returns which the licence holder shall submit and the time within which the returns shall be submitted,

and, without limiting the operation of any condition endorsed on the licence pursuant to section 15(5) of the Act, the damage licence authorises the holder to take and deal with fauna only in accordance with the requirements specified in the licence pursuant to this subregulation.

r. 6

- (3) The holder of a damage licence shall carry the licence on or about his person whenever he is taking or about to take the fauna to which it relates.
- (4) Unless exempted from this regulations by the licence, the holder of a damage licence shall, before disposing of, selling or transporting or consigning any fauna, or part thereof, taken under the authority of the licence, duly affix a tag to each specimen of fauna or part thereof.

[Regulation 5 amended in Gazette 9 Oct 1992 p. 4971.]

6. Licence to take kangaroos for sale

- (1) For the purposes of section 15 of the Act, the Minister may issue licences to be known as professional shooters' licences.

[(2) deleted]

- (3) Subject to any condition endorsed on the licence and to the succeeding provisions of this regulation, a professional shooter's licence authorises the holder to take for sale such species of kangaroo from such area or place as are respectively specified, in the licence 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.
- (4) The holder of a professional shooter's licence shall carry the licence on or about his person whenever he is taking or about to take any fauna to which it relates.
- (5) The fee for the issue of a professional shooter's licence is \$60.

[(6)-(8) deleted]

- (9) Unless otherwise endorsed as a condition on the licence, the holder of a professional shooter's licence shall not take any fauna by any means other than a firearm licensed pursuant to the *Firearms Act 1973*.

- (10) A person who is not a holder of a professional shooter's licence shall not assist the holder of such a licence in the taking of fauna for gain or reward.
- (11) The holder of a professional shooter's licence shall not sell, transport or consign any fauna or any part thereof unless he has first duly affixed a tag to each specimen of the fauna or part thereof.

[Regulation 6 amended in Gazette 24 Dec 1976 p. 5054; 16 Mar 1979 p. 694; 16 Oct 1981 p. 4323; 1 Jun 1990 p. 2486; 31 May 1991 p. 2649 and 2654.]

7. Licence to process

- (1) For the purposes of sections 15 and 17A of the Act, the Minister may issue licences to process the carcasses of kangaroos or other fauna.
- (2) There may be specified in any licence issued under this regulation —
 - (a) the species of fauna which the holder may process; and
 - (b) the maximum number of kangaroos or other fauna that the holder may process in any period; and
 - (c) the number of persons from whom fauna may be purchased for processing.
- (3) The holder of a licence issued under this regulation shall cause the licence to be displayed in a prominent position at his place of business at the address shown on the licence.
- (4) The holder of a licence issued under this regulation shall not cause or permit any fauna to be processed except at the address shown on the licence.
- (5) The fee payable for the issue under this regulation of a licence in respect of —
 - (a) emus is \$300;
 - (b) kangaroos is \$300;

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- (c) crocodiles is \$300;
- (d) other fauna is \$250.

[(6) deleted]

- (7) The holder of a licence issued under this regulation or any other person shall not receive into any holding room or have in his possession or allow to remain on his premises or take delivery of any fauna or part of any fauna unless it is duly marked with a tag as prescribed, but this subregulation shall not be construed as prohibiting such a licence holder from lawfully processing fauna lawfully held by him.
- (8) The holder of a licence issued under this regulation who removes the skin from the carcass of any fauna shall ensure that the skin is not taken from the processing establishment unless a tag is duly attached to the skin, or in the case of a cured or dressed skin, the skin is accompanied by the portion of the tag which shows the serial number of the tag which was affixed to the skin when received at the processing establishment.
- (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.
- (9) The holder of a licence issued under this regulation —
 - (a) shall not cause or permit a tag affixed to a skin or carcass to be removed therefrom until immediately prior to the commencement of the curing or dressing process; and
 - (b) who removes a tag from a skin for the purpose of curing or dressing the skin, shall ensure that the skin is accompanied at all times during the curing or dressing process by the portion of the tag which shows the serial number of the tag which was affixed to the skin when received at the processing establishment; and
 - (c) shall re-affix or cause to be re-affixed to the skin any tag that becomes detached from a skin.

- (9a) A holder of a licence issued under this regulation shall not have in his possession or under his control any tag that is not attached to a lawfully taken skin other than —
- (a) a tag that has been removed from a skin while it is being cured or dressed; or
 - (b) a tag that is being consigned to a licensed professional shooter in a separate sealed parcel.

[(10) deleted]

- (11) The holder of a licence issued under this regulation shall not —
- (a) have on his premises or under his control any skin or carcass which has not been marked in accordance with these regulations; or
 - (b) sell any such skin or carcass or any part of such skin or carcass of any fauna not taken, held or consigned in accordance with these regulations or the Pet Herpetofauna Regulations.

[Regulation 7 amended in Gazette 24 Dec 1976 p. 5047 and 5054; 16 Oct 1981 p. 4323; 18 Aug 1989 p. 2763; 1 Jun 1990 p. 2486; 31 May 1991 p. 2650 and 2654; 24 Sep 2002 p. 4765-6; 4 Feb 2003 p. 325.]

8. Licence to deal in carcasses of fauna

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

r. 8A

- (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.

[Regulation 8 inserted in Gazette 31 May 1991 p. 2650.]

8A. Use of chiller units

- (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 Director²; 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 Director².
- (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 Director² —
- (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.

[Regulation 8A inserted in Gazette 31 May 1991 p. 2650.]

9. Licence to transport carcasses and skins of fauna

- (1) Pursuant to section 15 of the Act, the Minister may issue licences, to be known as transport licences, to authorise 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 Director² 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; and
 - (b) register the vehicle with the Executive Director²; and
 - (c) paint the registered number allocated by the Executive Director² on the vehicle in black symbols at least 150 millimetres high against a yellow background in a prominent position as directed by the Executive Director².

[Regulation 9 inserted in Gazette 31 May 1991 p. 2650-1.]

10. Licence to deal in skins

- (1) For the purposes of this regulation —
- other approved fauna* includes such species of introduced fauna as may be declared by the Minister to be fauna pursuant to the provisions of the Act and these regulations or such species of fauna which the Minister may by notice in writing allow a licensed skin dealer to sell; and
- registered agent* means a person or firm who or which the holder of the licence has notified the Executive Director² in writing as having been appointed as a registered agent of the holder and of no other processor or dealer, and whose

r. 11

appointment as such an agent is approved by the Executive Director².

- (2) For the purposes of section 15 of the Act, the Minister may issue licences, to be known as skin dealer's licences, to authorise the buying, selling and other dealing with skins in accordance with this regulation.
- (3) The fee for a skin dealer's licence is \$100.
- (4) No skin dealer's licence shall operate so as to authorise any person who is not the holder thereof or a registered agent or an employee of the holder to buy, sell or otherwise deal in the skins of kangaroos, or of any other approved fauna.
- (5) Subject to the payment of the requisite fee, the holder of a skin dealer's licence may purchase such skins of kangaroos and other approved fauna as may be specified on the licence from persons holding current licences authorising the sale of such fauna in pursuance of these regulations or the Pet Herpetofauna Regulations, but the holder shall not buy or sell or have in his possession or on his premises any skin or the whole or any part of any fauna that does not have a tag duly affixed thereto or in the case of any cured or dressed skins, such a skin that is not accompanied by the portion of the tag which includes the serial number of the tag which was originally affixed to the skin.

[Regulation 10 amended in Gazette 24 Dec 1976 p. 5054; 16 Mar 1979 p. 695; 16 Oct 1981 p. 4323; 1 Jun 1990 p. 2486; 31 May 1991 p. 2651 and 2654; 24 Sep 2002 p. 4765-6; 4 Feb 2003 p. 325.]

11. Licence to take avian fauna for sale

- (1) For the purposes of section 15 of the Act, the Minister may issue licences, to be known as trapper's licences, to authorise the taking of avian fauna for gain or reward.
- (2) The fee for a trapper's licence is \$150.

-
- (3) The taking of avian fauna pursuant to a trapper's licence —
- (a) is subject to any notice published pursuant to section 14 of the Act; and
 - (b) is restricted to the species, genus or class of avian fauna specified in the licence.
- (4) There may be specified in any trapper's licence —
- (a) the maximum number of each species which may be taken in any specified part or parts of the State; and
 - (b) the period or periods of time during which, and the manner in or means by which, the holder may take such numbers of avian fauna; and
 - (c) the name and address of any person authorised to assist the holder of the licence in the taking of avian fauna,

and without limiting the operation of any condition endorsed on the licence pursuant to section 15(5) of the Act, the licence authorises the holder to take avian fauna in accordance with the particulars specified therein pursuant to this subregulation.

[(5) deleted]

- (6) The holder of a trapper's licence shall not take avian fauna —
- (a) on a nature reserve; or
 - (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.
- (7) A person shall not assist, or be associated with the holder of a trapper's licence, in the taking of avian fauna for gain or reward unless his name and address appear on the licence.

[Regulation 11 amended in Gazette 18 Aug 1972 p. 3153; 24 Dec 1976 p. 5048 and 5054; 21 Jul 1978 p. 2642; 16 Oct 1981 p. 4323; 1 Jun 1990 p. 2486; 31 May 1991 p. 2651 and 2654.]

r. 12

12. Licence to breed and keep avian fauna

- (1) The Minister may issue avicultural licences and advanced avicultural licences authorising persons to breed and keep avian fauna specified in Appendix C in captivity for hobby purposes.
- (2) Subject to regulations 13, 14 and 16, a person shall not breed or keep avian fauna in captivity or confinement unless he is the holder of an avicultural licence or an advanced avicultural licence, whichever is appropriate.
- (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.
- (4) An application for a licence issued under this regulation or for the renewal thereof —
 - (a) shall be in writing addressed to the Executive Director²; and
 - (b) shall set out the name of the avian fauna or species or class of avian fauna in respect of which the licence is required; and
 - (c) shall state the avian fauna (by species and number) held by the applicant at the time of the making of the application; and
 - (d) the location of the premises at which the applicant proposes to hold the avian fauna pursuant to the licence.
- [(5) *deleted*]

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- (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.
- (7) The holder of a licence issued under this regulation shall not —
- (a) have in his possession or control any avian fauna other than avian fauna of the species or class applicable to his licence;
 - (b) have in his possession or control any avian fauna in excess of the number applicable to his licence, other than avian fauna —
 - (i) bred from avian fauna lawfully kept; or
 - (ii) lawfully acquired,by that holder;
 - (c) breed any avian fauna other than the avian fauna he is permitted to breed under the licence;
 - (d) breed or keep avian fauna at any premises other than the premises specified in his licence;
 - (e) without 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 authorised in writing by the Executive Director² 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;
 - (f) sell or dispose of any avian fauna to a person who is not the holder of a licence that permits him to keep those avian fauna unless that person is exempted in respect of those avian fauna by subregulation (8)(b).
- (8) Nothing in this regulation applies to —
- (a) the breeding or keeping of Emus *Dromaius novaehollandiae*; or

r. 12A

- (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.
- (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 Director², 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 Director².
- (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 12 inserted in Gazette 24 Dec 1976 p. 5048-9; amended in Gazette 21 Jul 1978 p. 2642; 11 Aug 1978 p. 2883; 16 Oct 1981 p. 4324; 1 Jun 1990 p. 2478, 2479 and 2486; 31 May 1991 p. 2651 and 2654.]

12A. Wildlife licences

- (1) The Minister may issue licences to be known as wildlife licences to keep fauna, including Emus *Dromaius novaehollandiae* but excluding all other avian fauna and excluding fauna that is declared under the Pet Herpetofauna Regulations to be pet herpetofauna, authorising a person to keep the fauna specified in the licence in captivity or confinement and to breed such fauna as may be specified in the licence.

[(2) deleted]

- (3) A licence issued under this regulation may specify the species or class of fauna and the number of such fauna that the holder thereof is authorised to breed and keep pursuant to the licence.
- (4) An application for a licence issued under this regulation or for the renewal thereof —
- (a) shall be in writing addressed to the Executive Director²; and
 - (b) shall set out the species of the fauna sought to be kept pursuant to the licence; and
 - (c) shall specify the species of the fauna to be kept pursuant to the licence that will be used for breeding; and
 - (d) shall state the fauna (by species and number) already held by the applicant at the time of the making of the application; and
 - (e) the location of the premises at which the applicant proposes to hold the fauna pursuant to the licence.
- [(5) deleted]*
- (6) The fee payable for the issue of a licence under this regulation or for the renewal thereof is \$10.00.
- (7) The holder of a licence issued under this regulation shall not —
- (a) subject to paragraph (b), have in his possession or control any fauna other than the fauna specified in his licence; or
 - (b) have in his possession or control any fauna in excess of the number specified in his licence, other than fauna —
 - (i) bred from fauna lawfully kept; or
 - (ii) lawfully acquired,by that holder; or
 - (c) breed any fauna other than fauna that he is permitted to breed under the licence; or

r. 12B

- (d) breed or keep any fauna in captivity or confinement at any premises other than the premises specified in his licence; or
 - (e) sell any fauna.
- (8) The holder of a licence issued under this regulation may, with the authority in writing of the Executive Director², dispose of (otherwise than by sale) the fauna specified in that licence.

[Regulation 12A inserted in Gazette 24 Dec 1976 p. 5049; amended in Gazette 16 Oct 1981 p. 4324; 1 Jun 1990 p. 2479, 2480 and 2486; 31 May 1991 p. 2654; 9 Oct 1992 p. 4971; 24 Sep 2002 p. 4764; 4 Feb 2003 p. 323.]

12B. Oological licences

- (1) For the purposes of promoting the knowledge of eggs of avian fauna the Minister may grant a licence to be known as an oological licence.
- (2) Subject to this regulation and such conditions as are endorsed on the licence, an oological licence authorises the holder thereof to take eggs of species of avian fauna listed in the licence.

[(3), (4) deleted]

- (5) The holder of an oological licence shall not take eggs of avian fauna contrary to the conditions endorsed on the licence.

[Regulation 12B inserted in Gazette 21 Jul 1978 p. 2642; amended in Gazette 1 Jun 1990 p. 2486; 31 May 1991 p. 2654.]

13. Licence to deal in avian fauna

- (1) Subject to this regulation, the Minister may issue licences, to be known as bird dealers' licences, to authorise persons to buy, sell or otherwise deal in avian fauna 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.

- (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.
- (1a) Licences referred to in subregulation (1) may be of the following classes —
- Basic Licence — to buy, sell or otherwise 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*.
- Advanced Licence — to buy, sell or otherwise deal in the species of avian fauna specified in items 1, 2 and 3 of Part A of Appendix C.
- Special Licence — to buy, sell or otherwise deal in the species of 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 as are listed in the licence.
- (1b) The annual fee to be paid with respect to a licence of a class referred to in subregulation (1a) shall be as follows —
- Basic Licence — \$50.
- Advanced Licence — \$100.
- Special Licence — \$200.
- (2) The holder of a bird dealer's licence may, subject to the provisions of these regulations, buy, sell or otherwise deal in avian fauna applicable to the licence issued with respect to him, but shall not sell avian fauna except at the address of the licensee as shown on the licence.
- (3) The holder of a licence referred to in this regulation shall not have in his possession or control any avian fauna other than the avian fauna of the class applicable to the licence issued with respect to him.

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- (3a) A licence shall not be issued to authorise a person to buy, sell or otherwise deal in avian fauna unless the applicant establishes that —
- (a) he is able to identify all the species of avian fauna specified in his application for a licence; and
 - (b) he has adequate facilities for and experience in care of the species of avian fauna specified in his application.
- (3b) Facilities for holding avian fauna shall not be regarded as being adequate if —
- [(a) deleted]*
 - (b) the holding aviary is open at any time to entry by the public; or
 - (c) the aviary does not conform to the requirements of regulation 30.

[(4), (5) deleted]

- (6) The holder of a bird dealer's licence shall not buy, accept or have in his possession or on his premises any avian fauna other than avian fauna obtained from a person exempt from licensing under regulation 12(8)(b) or a person licensed, or authorised by an authority issued under regulation 12(7)(e), to sell that avian fauna or which has been imported under the authority of a licence issued pursuant to these regulations.
- (7) The holder of a bird dealer's licence shall not sell any avian fauna to any person unless that person is the holder of a licence under the Act that is applicable to the avian fauna the subject of the sale and the circumstances in question or that avian fauna is avian fauna referred to in regulation 3A or 12(8)(b).

[Regulation 13 amended in Gazette 24 Dec 1976 p. 5049-50 and 5054; 21 Jul 1978 p. 2643; 11 Aug 1978 p. 2883; 16 Oct 1981 p. 4324; 1 Jun 1990 p. 2480-1 and 2486; 31 May 1991 p. 2651 and 2654.]

14. Licence to farm and breed fauna for sale and commercial display

- (1) The Minister may issue licences, to be known as fauna farm licences, to authorise persons —
- (a) to farm and breed fauna for sale or commercial display; and
 - (b) to sell eggs of fauna; and
 - (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 authorised under subregulation (1a).

(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.

- (1a) The Minister may in a fauna farm licence authorise the slaughter on the farm of fauna that are the subject of the licence and such limited processing on the farm as the Executive Director² may determine is appropriate for the farming activity.

[(2), (3) deleted]

- (4) Every fauna farm licence shall stipulate the species of fauna and the place at which such fauna may be kept or held and may limit the number of any species which may be held or which may be sold during any period of time.
- (5) The fee payable for the issue under this regulation of a fauna farm licence in respect of —
- (a) emus is \$250; and
 - (b) crocodiles is \$500; and
 - (c) other fauna is \$250.

but no fee shall be payable in respect of any licence issued to the Zoological Gardens Board³ established under the *Zoological Gardens Act 1972*⁴.

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- (6) A fauna farm licence shall not be construed as conferring authority for any protected fauna to be taken from the wild except by the authority of a further licence issued pursuant to these regulations.

[Regulation 14 amended in Gazette 24 Dec 1976 p. 5054; 16 Mar 1979 p. 695; 16 Oct 1981 p. 4324; 18 Aug 1989 p. 2763; 1 Jun 1990 p. 2481 and 2486; 31 May 1991 p. 2652 and 2654; 24 Sep 2002 p. 4764; 4 Feb 2003 p. 324.]

15. Licence to take fauna for educational or public purposes

- (1) The Minister may issue licences to authorise the taking of fauna for educational or other approved public purposes.
- (2) For the purposes of this regulation the following are “approved public purposes” —
- (a) for transfer, gift or sale to any approved school, hospital, college, institute, university or other teaching institution or research centre whether private or public;
 - (b) for gift, or sale to any approved public or private museum, zoo, wildlife farm, tourist centre, wildlife sanctuary, wildlife club or whether for sale or display;
 - (c) for gift, hire, lease, loan or sale to any approved person for the purpose of filming such fauna whether for still or movie photography,

and includes any other purposes as the Executive Director² approves and is specified on the licence.

- (3) There shall be specified on any licence issued under this legislation the purpose or purposes for which it has been issued, and there may also be so specified particulars of —
- (a) the greatest number of each species that may be taken; and
 - (b) the manner or method of taking or capture; and
 - (c) the part or parts of the State and the period of time in which the fauna named therein may be taken or held; and

- (d) the manner or conditions under which the fauna so taken may be displayed or destroyed or otherwise disposed of; and
- (e) the area in which such fauna shall subsequently be released if the Executive Director² so directs,

and without limiting the operation of any condition endorsed on the licence pursuant to section 15(5) of the Act, the licence authorises the holder thereof to take and dispose of fauna only in accordance with the particulars so specified in the licence.

- (4) The holder of a licence issued under this regulation shall not take any fauna —
 - (a) except with the prior written consent of the Executive Director², on any nature reserve;
 - (b) except with the prior consent of the owner of the land, on any private land.

[Regulation 15 amended in Gazette 24 Dec 1976 p. 5054; 21 Jul 1978 p. 2643; 1 Jun 1990 p. 2481 and 2486; 31 May 1991 p. 2654.]

16. Licence to keep fauna for educational or public purposes

- (1) The Minister may issue licences to authorise the keeping in captivity or confinement of fauna taken under the authority of a licence issued pursuant to the Act and these regulations or the Pet Herpetofauna Regulations.
- (2) No fee shall be charged in respect of any licence issued to an approved Western Australian —
 - (a) hospital, university, school, college or other teaching institution or research centre or department or branch thereof; or
 - (b) wildlife club or natural history organization which is currently registered; or
 - (c) person or body who or which keeps fauna lawfully taken under the authority of a current licence to take fauna for scientific, educational or public purposes.

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- (2a) Except where a waiver or reduction in the fee is granted by the Executive Director², 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 Director², keeps fauna in captivity or confinement for gain or reward.

[(3) deleted]

- (4) The holder of a licence referred to in this regulation shall not —
- (a) have in his or its possession or control any fauna other than fauna specified in the licence issued with respect to him or it, as the case requires;
 - (b) sell or otherwise dispose of any fauna to any person unless that person is the holder of a licence permitting him to hold that fauna.

[Regulation 16 amended in Gazette 24 Dec 1976 p. 5050 and 5054-5; 14 Mar 1979 p. 695; 16 Oct 1981 p. 4324; 1 Jun 1990 p. 2486; 31 May 1991 p. 2652 and 2654; 24 Sep 2002 p. 4765-6; 4 Feb 2003 p. 325.]

17. Licence to take fauna for scientific purposes

- (1) The Minister may issue licences to authorise the taking of fauna for scientific purposes.

[(2), (3) deleted]

- (4) There may be specified in a licence issued under this regulation particulars of —
- (a) the purpose or purposes for which it has been issued; and
 - (b) the greatest number of each or any species that may be taken, held or disposed of; and
 - (c) the part or parts of the State in which the fauna may be taken, held or released; and

- (d) the person or bodies to whom the fauna may be transferred or the manner in which the fauna may be disposed of,

and without limiting the operation of any condition endorsed on the licence pursuant to section 15(5) of the Act, the licence authorises the holder thereof to take, deal with and dispose of fauna only in accordance with the particulars so specified in the licence.

- (5) The holder of a licence issued under this regulation may employ, or otherwise be assisted by, such other persons or classes of person, only, as the Executive Director² in writing, authorises for the taking of the fauna specified in such licence.
- (6) A licence issued under this regulation shall not authorise the taking of any fauna on any nature reserve unless the Executive Director², in writing, so approves and specifies in the licence.

[Regulation 17 amended in Gazette 24 Dec 1976 p. 5055; 21 Jul 1978 p. 2643; 1 Jun 1990 p. 2482 and 2486; 31 May 1991 p. 2654.]

18. Licence to export fauna

- (1) The Minister may issue licences to authorise the export of fauna from the State.
- (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)(a) Except as provided in paragraph (b), a person shall not be granted a licence referred to in subregulation (1) unless he pays to the Executive Director² the appropriate fee (if any) referred to in the First Schedule.
- (b) No fee is payable upon the issue of such a licence to —
- (i) the Zoological Gardens Board³ established under the *Zoological Gardens Act 1972*⁴; or

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- (ii) any person or body whom or which the Executive Director² has, in writing, exempted from the payment of the fee.
- (3) A licence to export fauna shall not be issued for the export of fauna to another State or Territory of the Commonwealth unless the exporter satisfies the Executive Director² that the appropriate authority of the State or Territory approves of the importation of the fauna to the State or Territory.
- (4) A separate licence shall be held in respect of each consignment of fauna intended to be exported.

[(5) deleted]

- (6) A person shall not accept for carriage any fauna intended for export unless the consignor is the holder of a licence issued under this regulation or the Pet Herpetofauna Regulations.

[Regulation 18 amended in Gazette 24 Dec 1976 p. 5055; 1 Jun 1990 p. 2482 and 2486; 31 May 1991 p. 2654; 24 Sep 2002 p. 4764; 4 Feb 2003 p. 324.]

19. Licence to import Australian fauna

[(1) deleted]

- (2) The Minister may issue licences to authorise the importation of fauna into the State.
- (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.
- (3)(a) Except as provided in paragraph (b) a person shall not be granted a licence referred to in subregulation (2) unless he pays to the Executive Director² the administration fee (if applicable) referred to in the Second Schedule.
- (b) No fee is payable for the issue of such a licence to —
 - (i) the Zoological Gardens Board³ established under the *Zoological Gardens Act 1972*⁴; or

- (ii) any person or body whom or which the Executive Director² has, in writing, exempted from the payment of the fee.
- (4) If a consignment of live animals 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 19 amended in Gazette 24 Dec 1976 p. 5050 and 5055; 21 Jul 1978 p. 2643; 16 Mar 1979 p. 695; 27 Mar 1981 p. 1045; 1 Jun 1990 p. 2482 and 2486; 31 May 1991 p. 2652; 24 Sep 2002 p. 4764; 4 Feb 2003 p. 324.]

20. Licence to import live exotic birds and other animals

- (1) The Minister may issue licences to bring into the State from any place outside the State any animal referred to in regulation 55.
- [(2) deleted]*
- (3) A licence shall not be issued under this regulation unless —
- (a) the Executive Director² is satisfied that the birds or other animals specified in it will be kept securely in captivity at all times and are not likely to become acclimatized if accidentally released or otherwise escape from close confinement; and
- [(b) deleted]*
- (4)(a) Except as provided in regulation 19(4) and paragraph (b) a person shall not be granted a licence referred to in subregulation (1) unless he pays to the Executive Director² the administration fee (if applicable) referred to in the Second Schedule.
- (b) No fee is payable for the issue of such a licence to —
- (i) the Zoological Gardens Board³ established under the *Zoological Gardens Act 1972*⁴; or

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- (ii) any person or body whom or which the Executive Director² has, in writing, exempted from the payment of the fee.
- (5) Subregulation (1) shall not be construed so as to require the issue of a licence to authorise the importation into the State of any species of domesticated cats, dogs, farm animals or poultry which is already commonly held in domesticity in this State.

[Regulation 20 amended in Gazette 24 Dec 1976 p. 5055; 21 Jul 1978 p. 2643; 1 Jun 1990 p. 2482 and 2486; 31 May 1991 p. 2654.]

[21, 22. Deleted in Gazette 9 Oct 1992 p. 4971.]

23. Licence to take and mark fauna for research purposes

- (1) The Minister may issue licences to authorise the taking or marking of fauna for research purposes.
- (2) A licence shall not be issued under this regulation unless the applicant satisfies the Executive Director² that the applicant is sufficiently experienced and trained and that his research programme and his proposed method or means of capturing and marking such fauna are satisfactory.

[(3), (4) deleted]

- (5) The Executive Director² may, in writing, direct the holder of any such licence or any other person to abstain from —
 - (a) using any particular means of taking or marking any species or all species of fauna; or
 - (b) taking or marking any or all fauna or more than any number of species of fauna so directed in any part or parts of the State; or
 - (c) releasing any fauna, whether marked or not, in any part or parts of the State; or

- (d) taking or marking any fauna or any species of fauna at any particular time or during any particular period on any part or parts or throughout the whole of the State,

and it shall be an offence for the holder or for any other person to contravene or fail to comply with any direction so given.

[Regulation 23 amended in Gazette 24 Dec 1976 p. 5055; 1 Jun 1990 p. 2486; 31 May 1991 p. 2654.]

24. Application and duration of licences

- (1) Every application for a licence under these regulations shall be made in writing to the Executive Director² and shall set out —
 - (a) the first names and surname of the applicant; and
 - (b) his full postal and residential addresses; and
 - (c) the purposes of his application; and
 - (d) such other information as the Executive Director² may require,

and shall be signed by the applicant.

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

[Regulation 24 amended in Gazette 24 Dec 1976 p. 5055; 1 Jun 1990 p. 2486; 31 May 1991 p. 2652.]

24A. Records and returns

- (1) The Executive Director² 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 Director² 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.

r. 25

- (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 24A inserted in Gazette 31 May 1991 p. 2652-3.]

25. Fees for licences

- (1) The Minister may, on the recommendation of the Executive Director², reduce or waive the fee payable in respect of any licence issued pursuant to these regulations.
- (2) The Executive Director² may, with the approval of the Minister by notice in writing addressed to the applicant grant to that applicant time to pay, not exceeding 6 months from the date of issue, the whole or any part of the fee for any licence issued pursuant to these regulations.

*[Regulation 25 amended in Gazette 24 Dec 1976 p. 5055;
1 Jun 1990 p. 2486.]*

Part 3 — Royalties

26. Royalties

- (1) For the purposes of section 18(1A) 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; and
 - (b) emus — \$1.25 each; and
 - (c) saltwater crocodiles — \$10 each; and
 - (d) freshwater crocodiles — \$3 each; and
 - (e) all other fauna — 75 cents each.
- (2) Royalties are not payable in respect of —
 - (a) any skins or carcasses taken or obtained for *bona fide* scientific purposes; or
 - (b) any skins or carcasses, the proceeds from the sale of which, are to be credited to the Fund pursuant to the provisions of the Act and these regulations.
- (3) Where the person who has taken a grey or red kangaroo or a euro forwards or consigns the carcass, with the skin still on the carcass, to the holder of a licence to process fauna issued under regulation 7, royalty is payable only on the carcass of that animal.
- (4) A person shall not have in his possession or forward or consign for sale the skin or carcass of any kangaroo or other fauna unless he has duly affixed a tag to the skin or carcass.
- (5) Where a person duly affixes a tag to the skin or carcass of any fauna and has, at the time of purchasing the tag, paid therefor an amount equal to the amount of royalty chargeable under the Act and these regulations in respect of the skin or carcass of the fauna, as the case requires, he shall be deemed, for all purposes, at the time of affixing the tag to have paid the royalty chargeable in respect of that skin or carcass.

r. 26

- (6) Where the holder of a licence to process fauna issued under regulation 7 receives or takes possession of any skin or carcass of fauna to which a tag is not duly affixed from a person who took the fauna on behalf of the Minister, he thereupon becomes liable to pay the royalty chargeable in respect of the skin or carcass and shall pay the royalty by himself affixing a tag referred to in subregulation (5) or in such other manner as the Executive Director² directs.
- (7) Any skin or carcass of any kangaroo or euro or skin of any emu, crocodile or other fauna taken for gain or reward in any area, which does not have a tag duly affixed thereto may be seized by any wildlife officer and retained until the royalty due has been paid.

[Regulation 26 amended in Gazette 18 Aug 1972 p. 3153; 4 May 1973 p. 1118-19; 24 Dec 1976 p. 5056; 18 Aug 1989 p. 2764; 1 Jun 1990 p. 2486; 31 May 1991 p. 2653; amended by Act No. 19 of 2010 s. 51.]

Part 4 — Keeping of fauna in captivity

27. Provisions of r. 30 to 34 do not apply to waterfowl

The provisions of regulations 30 to 34, inclusive, of this Part do not apply to waterfowl.

[Regulation 27 amended in Gazette 24 Dec 1976 p. 5050; 31 May 1991 p. 2653.]

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; or
- (b) it is avian fauna listed in regulation 3A; or
- (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.

[Regulation 28 inserted in Gazette 4 Feb 2003 p. 324.]

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.

r. 29

- (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; or
 - (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; and
- (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.

[Regulation 28A inserted in Gazette 4 Feb 2003 p. 325.]

29. Wings of wild avian fauna not to be clipped without permission

A person shall not —

- (a) clip or pinion the wing of any wild avian fauna without the permission in writing of the Executive Director²; or
- (b) keep any bird normally capable of flight in any cage or other place unless such bird is able to fly and exercise all its muscles for at least one hour each day.

[Regulation 29 amended in Gazette 24 Dec 1976 p. 5056; 1 Jun 1990 p. 2486.]

30. Conditions for keeping birds in cages

- (1) A person shall not keep any bird in a cage for a period longer than 48 hours unless the cage is —
- (a) at least 7 times as long as the length of the largest bird in it; and
 - (b) at least 4 times as high as the length of the largest bird in it; and
 - (c) at least 3 times as wide as the length of the largest bird in it; and
 - (d) so constructed that it —
 - (i) contains at least 5 perches, 2 of which are so situated that they provide an obstruction free flight not less in length than 4 times the length of the largest bird in such cage, and the other of which perches are so placed as to allow a bird to fly or hop in comfortable stages to the ground and to a roosting perch which is not less than 50 millimetres from the roof; and
 - (ii) provides, in the opinion of a wildlife officer, adequate shelter from wind, rain and sun for all its occupants; and
 - (iii) has suitable facilities for nesting and protection from predators,

and unless the cage complies in all respects with the succeeding provisions of this regulation.

- (2) The perches in a cage in which a bird is or birds are kept shall be of wood or other suitable material and shall —
- (a) be so placed that no perch is in the zone of droppings below another perch; and
 - (b) be of suitably different diameters to meet the requirements of the birds in the cage; and

r. 31

- (c) be so placed that the largest bird in the cage can pass comfortably under the lowest perch and can roost comfortably on the highest perch.
- (3) A cage in which a bird is or birds are kept shall —
 - (a) be fitted with unspillable containers for water and food which shall be kept filled and securely fastened to the cage or its fittings in such a manner that all birds in the cage can drink or feed freely therefrom and shall be so placed to be clear of the dropping zones under any perch; and
 - (b) be kept clean and well ventilated and provide shelter from draughts for its occupants.

*[Regulation 30 amended in Gazette 5 Oct 1973 p. 3663;
24 Dec 1976 p. 5056.]*

31. Conditions for keeping avian fauna in a cage for display

A person shall not keep any avian fauna in a cage for the purpose of showing or displaying the avian fauna unless the cage in which it is so kept conforms to the respective dimensions set out as follows —

Birds	Dimensions
Small finches and birds of similar size	33cm x 20cm x 32cm
In the case of budgerigahs and birds of similar size is not less than	39cm x 23cm x 35cm
Finches and birds of similar size	41cm x 24cm x 40cm
Small parrots, cockatiel, western rosella and lorikeets and similar sized birds	44cm x 49cm x 60cm
All varieties of rosellas (excluding the western rosella) and similar sized birds	49cm x 49cm x 60cm
Galahs, little corellas, major mitchells and similar sized birds	55cm x 53cm x 64cm
Long-billed corellas, sulphur-crested cockatoos, black cockatoos and similar sized birds	60cm x 59cm x 70cm

[Regulation 31 inserted in Gazette 24 Dec 1976 p. 5050.]

32. Conditions for transport of birds

- (1) A person shall not transport a bird or birds except in a cage in which the space allowed for each bird is as follows —

Birds	Cubic centimetres of space
Small finches and birds of similar size	600
Large finches and birds of similar size	1 200
Budgerygahs and birds of similar size	2 100
Rosellas and birds of similar size	5 000
Parrots and birds of similar size	8 000
Large cockatoos and birds of similar size	10 000

- (2) A person shall not transport birds except in a cage which complies in all respects with the succeeding provisions of this regulation.
- (3) Every cage used for transporting birds shall —
- (a) be of strong construction and provide sufficient room for its occupants to turn around freely but not to fly; and
 - (b) be fitted with unspillable containers for food and water situated clear of the dropping zones under any perch.
- (4) Every cage used for transporting birds shall be of box type with the top, sides and back made of wood, or other suitable material, and shall incorporate —
- (a) a padded roof of foam plastic or other suitable material; and
 - (b) a double wired front, the outside layer of wire mesh and inside of wire gauze or other suitable material; and
 - (c) a grid floor of wire netting or similar material; and
 - (d) a metal bottom tray; and
 - (e) partitions of suitable material to separate incompatible species; and
 - (f) if perching birds are included, sufficient perches to accommodate them without overcrowding.

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- (5) Every cage used for the transport of any bustard, emu or other large bird shall be of such dimensions and construction, as to safeguard the bird from injury and from the possibility of falling over.

[Regulation 32 amended in Gazette 24 Dec 1976 p. 5050.]

33. Conditions for transport of kangaroos etc.

- (1) Any person who cages kangaroos, wallabies, or other mammals or reptiles for transport shall cause the animals to be provided with sufficient food, water and shelter and sufficient space to stand.
- (2) All cages used for the transport of fauna shall be of solid construction to protect the fauna therein from injury of any kind and to prevent their escape.

34. Transport of fauna not to cause injury

- (1) A person shall not transport any fauna in such a manner as causes or is likely to cause injury or suffering to the fauna.
- (2) A wildlife officer may, if he considers it in the interests of the wellbeing of the fauna —
- (a) order the recaging of any fauna being transported; or
 - (b) direct that the fauna be watered, fed, exercised or released in a suitable place; or
 - (c) seize the fauna and any cage involved in an alleged offence and require it to be held to be dealt with according to law.

[Regulation 34 amended in Gazette 24 Dec 1976 p. 5056.]

34A. Persons confining fauna to comply with regulations relating to care

- (1) A person who keeps any fauna in confinement shall comply with the provisions of these regulations that relate to the provision of food, water, shelter, space and cover but where a

wildlife officer is satisfied that in the particular circumstances of a case the provisions of these regulations in that regard are not adequate he may require such additional facilities as he specifies in a written notice to be provided in relation to those circumstances.

- (2) A person who inflicts unnecessary discomfort, pain or suffering on any fauna commits an offence.

[Regulation 34A inserted in Gazette 24 Dec 1976 p. 5051.]

35. Waterfowl not to be kept in captivity without a licence

- (1) A person shall not keep waterfowl in captivity or confinement except under the authority of a licence issued in accordance with these regulations and which has been endorsed by the Executive Director² with the numbers and names of each species of waterfowl that may be kept.
- (2) A person shall not take or attempt to obtain any live waterfowl unless he has applied in writing and been given permission to take or otherwise obtain that waterfowl by the endorsement of the Executive Director² on the appropriate licence.
- (3) A person whose licence has been endorsed to allow the keeping of any species of wild duck or wild goose in captivity shall not keep any domestic duck or domestic goose on the same property or suffer or allow any domestic duck or domestic goose to remain on such property.
- (4) A person shall not keep Grey Teal (*Anas gibberifrons*) and Chestnut Teal (*Anas castanea*) in the same or adjoining aviaries, cages or enclosures and shall take all reasonable precautions to prevent interbreeding of those species.
- (5) The Executive Director² shall not endorse the licence held by a person so as to authorise the person to keep any waterfowl under its authority until his property and aviaries have been inspected by a wildlife officer or other authorised person who

has, after inspection, certified in writing that the following requirements have been met —

- (a) that, in the case of a person determined by the Executive Director² to be in Group 1 in regulation 40 — a permanent pool of not less than 3 cubic metres capacity with a surface area not less than 9 square metres, with an impervious bottom has been provided with suitable drainage and other facilities to keep it clean and filled; and
- (b) that, in the case of a person determined by the Executive Director² to be in Group 2 or Group 3 in regulation 40 — a permanent pool of not less than 15 square metres surface area and a depth of up to 500 millimetres with an impervious bottom and suitable drainage and other facilities has been provided; and
- (c) that the aviaries have been constructed of suitable materials and enclosed on top and sides with 13 millimetre diameter wire mesh; and
- (d) that windbreaks and shelter have been provided in each section of each aviary and suitable branches or other facilities for perching and roosting have been provided; and
- (e) that nesting logs have been provided in each section of each aviary together with vegetation such as pampas grass, elephant grass, bamboo, tea tree or paper bark, and grain bearing grasses have been grown in suitable enclosures within such aviaries as desirable.

[Regulation 35 amended in Gazette 5 Oct 1973 p. 3663; 24 Dec 1976 p. 5051 and 5056; 1 Jun 1990 p. 2486.]

36. Restrictions for keeping ducks or waterfowl

No licence shall be endorsed to allow the holder thereof to take and keep more than 3 pairs of any species of wild ducks or other waterfowl, but this regulation shall not be construed as preventing the holder from keeping such of the progeny of the

original wild birds as he is able to rear and keep without overcrowding his aviaries.

37. Wildlife officers to investigate complaints

- (1) The Executive Director² may direct and authorise any wildlife officer to investigate any complaint that waterfowl are being kept in unsatisfactory conditions and the Executive Director² may, at any time, cancel the endorsement referred to in regulation 35(1) if, after the results of an investigation so made have been reported in writing to him, he is satisfied that he should so cancel the endorsement.
- (2) The holder of any licence so endorsed shall allow any wildlife officer access to his aviaries at any reasonable time and do what he reasonably can to facilitate any inquiry authorised by the Executive Director².
- (3) If the Executive Director² is satisfied that it would be in the best interests of the fauna so to do, he may order a wildlife officer to seize any fauna held in captivity without authority or in unsatisfactory conditions and release it in the wild, or to hold it at any suitable place to be dealt with according to law.

*[Regulation 37 amended in Gazette 24 Dec 1976 p. 5056;
1 Jun 1990 p. 2486.]*

[38. Deleted in Gazette 31 May 1991 p. 2654.]

39. Executive Director may approve keeping of waterfowl

The Executive Director² may approve an application to keep waterfowl subject to the limitation that the birds to be kept shall be limited to certain specified species or to progeny of such species bred in captivity.

*[Regulation 39 amended in Gazette 24 Dec 1976 p. 5056;
1 Jun 1990 p. 2486.]*

40. Executive Director to determine waterfowl to be kept in captivity

- (1) The Executive Director² may determine any applicant for a licence to keep waterfowl in captivity to be in one of the following groups —
- (a) Group 1 — persons who should be allowed to keep only the following species —
- Black Duck (*Anas superciliosa*).
 - Grey Teal (*Anas gibberifrons*).
 - Maned Goose (*Chenonetta jubata*).
 - Mountain Duck (*Tadorna tadornoides*).
 - Plumed Tree Duck (*Dendrocygna eytoni*).
- (b) Group 2 — persons who may be allowed to keep all the species in paragraph (a) above and in addition —
- White-eyed Duck (*Aythya australis*).
 - Green Pygmy Goose (*Nettapus pulchellus*).
 - White-quilled Pygmy Goose (*Nettapus coromandelainus*).
 - Whistling Tree Duck (*Dendrocygna arcuata*).
- (c) Group 3 — persons who may be allowed to keep any or all of the species in paragraphs (a) and (b) above and in addition —
- Pink-eared Duck (*Malacorhynchus membranaceus*).
 - Blue-billed Duck (*Oxyura australis*).
 - White-headed Shelduck (*Tadorna radjah*).
 - Musk Duck (*Biziura lobata*).
 - Freckled Duck (*Stictonetta naevosa*).
- Other species of waterfowl including the —
- Black Swan (*Cygnus atratus*).
 - Coot (*Fulica atra*).
 - Dusky Moorhen (*Gallinula tenebrosa*).
 - Swamphen (*Porphyrio*).

- (2) The Executive Director² may require any bird kept in captivity to be ringed or otherwise marked with any ring or device or in any manner he stipulates and it shall be an offence for any person required to do so to fail to ring or mark such bird or to remove or for that or any other person to interfere in any manner with any such ring mark or device unless authorised in writing to do so by the Executive Director².

*[Regulation 40 amended in Gazette 24 Dec 1976 p. 5056;
1 Jun 1990 p. 2486.]*

40A. Licences to take emu eggs

- (1) Subject to this regulation, the Minister may issue to a person of Aboriginal descent or to an association or body consisting of such persons a licence to take emu eggs for the sole purpose of —
- (a) carving or otherwise decorating the shells, or parts of the shells, of those eggs; or
 - (b) producing blown shells, or parts of blown shells, of those eggs for sale.
- (2) A licence to take emu eggs shall specify —
- (a) the name of the person in relation to whom it is issued;
 - (b) the number of emu eggs that may be taken pursuant to the licence and the part or parts of the State in which they may be taken.
- (3) The holder of a licence issued under this regulation shall not —
- (a) take emu eggs from a nature reserve or a wildlife sanctuary under this Act, or, from occupied land except with the permission of the occupier; or
 - (aa) subject to section 23 of the Act, take emu eggs for a purpose other than a purpose referred to in subregulation (1); or
 - (b) take any emu eggs in excess of the number specified in his licence; or

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- (c) take any emu eggs in any part of the State other than a part of the State specified in his licence.

*[Regulation 40A inserted in Gazette 24 Dec 1976 p. 5051;
amended in Gazette 1 Jun 1990 p. 2482-3 and 2486;
31 May 1991 p. 2654.]*

[Part 5 (r. 41) deleted in Gazette 31 May 1991 p. 2654.]

[Part 6 (r. 42-49) deleted in Gazette 3 May 2002 p. 2295.]

Part 7 — Marking, sale and transport of fauna

50. Marking, sale and transport of carcasses and skins

- (1) A person shall not sell, buy, transport or have in his possession or control, or consign for any purpose the skin or carcass of any fauna unless —
 - (a) he is the holder of a current licence authorising such sale, purchase, transport, possession or control or consignment; and
 - (b) a tag has been duly affixed to the skin or carcass.
- (2) The colours of tags to be affixed to fauna are —
 - (a) for grey kangaroos — white tags; and
 - (b) for red kangaroos — yellow tags; and
 - (c) for euros — blue tags; and
 - (d) for emus — red tags; and
 - (e) for other fauna — such colours as the Executive Director² determines.
- (3) A person shall not —
 - (a) mark or attempt to mark the skin or carcass of any fauna with an illegal tag; or
 - (b) affix a tag or an illegal tag to any fauna which has not been lawfully taken.
- (3a) The Executive Director² may require a person to affix a label or marker of a design approved by the Executive Director² to any fauna product and a person who is the subject of such a requirement shall comply with it.
- (4) The provisions of this regulation do not apply so as to make it unlawful for any person to purchase, sell, use or to have or give as a gift any skin of any fauna which has been lawfully taken and processed and sold pursuant to licences held under these regulations or the Pet Herpetofauna Regulations.

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- (5) A person who is —
- (a) the holder of a professional shooter's licence; or
 - (b) the owner, employee or agent of a licensed processing establishment; or
 - (c) a direct dealer,
- shall not transport the skins or carcasses of fauna —
- (d) except those which have been lawfully taken and tagged; or
 - (e) except in a registered transport unit along a registered route from an open season area to the licensed premises or chiller unit concerned.
- (6) A person who is the holder of a damage licence shall not give, sell or supply a tag to a person other than —
- (a) a person who is his approved agent and who intends to attach the tag to fauna which he lawfully destroys on behalf of the holder on the holder's property; or
 - (b) the Executive Director².
- (7) A person who owns or operates a transport unit or a chiller unit shall supply to the Executive Director², whenever he so requests, particulars of the number plates issued under the *Road Traffic Act 1974* for, and a description of, the unit, together with any other details that the Executive Director² requests.
- (8)(a) A person who intends to operate a transport unit or a chiller unit to hold or transport the skins or carcasses of any kangaroos or other fauna shall forward to the Executive Director² a detailed description of the place of operation and of the route to be followed by the unit and the Executive Director² may, if he approves of the place of operation and route, register them as a site of operations of that unit and the route to be used by that unit.
- (b) A person who operates a registered transport unit or chiller unit shall not cause or permit the unit to deviate from the registered

route for that unit, except that he may deviate around any section of that route that has been closed by the person or authority controlling the closed section.

- (c) A person who operates a chiller unit to hold the skins or carcasses of any fauna shall not remove the unit to any other place of operation than that approved by the Executive Director² unless he notifies the Executive Director² in writing and receives approval to remove that chiller unit to the proposed place of operations.
- (9) A person who operates any processing establishment, transport unit or chiller unit shall keep and maintain such establishment or unit in a clean and hygienic condition satisfactory to the Executive Director² or to any wildlife officer or officer appointed pursuant to the Act or of any other person authorised by the Executive Director².
- (9a) Subject to these regulations, a person shall not sever or cut the sealing mechanism of a sealed tag unless he is authorised to do so by the Executive Director².
- (10) A person shall not sever, cut, mark, scratch, abrade, file, heat, burn, melt or otherwise deface any tag in such a manner as to alter or interfere with or obliterate any letter or number or other identifying mark on the tag, whether it is affixed to a skin or carcass or not.
- (11) Subject to regulation 7(8a), a person who operates an establishment for the tanning of skins of fauna shall, before commencing the process of tanning any skin, remove from the skin the tag affixed in such manner and with such care as is necessary to preserve all the letters and numbers and other identifying marks on the tag and keep and store the tag in a place of safety and hand it on demand to any wildlife officer or authorised officer.
- (12) A person other than a wildlife officer shall not remove any tag from any skin or carcass of any fauna except in the

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circumstances specifically authorised by these regulations and in the manner prescribed by subregulation (11).

- (13) Except where he is in possession or control of a tag for the purposes of fixing the tag to a skin pursuant to these regulations, a person who comes into possession or control of any tag shall give or consign the tag to its lawful owner or to the Executive Director².

[Regulation 50 amended in Gazette 4 May 1973 p. 1119; 24 Dec 1976 p. 5051 and 5058; 1 Jun 1990 p. 2486; 31 May 1991 p. 2653; 24 Sep 2002 p. 4765-6; 4 Feb 2003 p. 325-6.]

51. Executive Director to authorise design and manufacture of tags

- (1) The Executive Director² shall authorise in writing the design and manufacture of such tags as are required.
- (2) Where the Executive Director² approves and accepts a design for a tag, whether original or amended, he shall cause to be published in the *Government Gazette*, a drawing and description of the design of the tag.
- (3) A person who issues, gives, buys, receives, sells, uses, manufactures or distributes any device which resembles an illegal tag, commits an offence.
- (4) A person who issues, gives, buys, receives, sells, transfers, distributes or uses a tag in any manner other than is authorised pursuant to these regulations, commits an offence.
- (5) A person who is required by these regulations or by the conditions of any licence issued under these regulations to affix a tag to the skin or carcass of any fauna and who fails to so affix the tag or who attaches it other than in the manner described in the interpretation **affix**, commits an offence.
- (6) A person, not being a wildlife officer or other officer authorised to collect used tags or a holder of a processor's licence or a

person engaged in the tanning of skins, who has in his possession a used tag not secured to the skin or carcass or part thereof of lawfully taken fauna, or who has in his possession any illegal tag, commits an offence.

*[Regulation 51 amended in Gazette 24 Dec 1976 p. 5058;
1 Jun 1990 p. 2483 and 2486.]*

52. Marketing, sale and transport of live fauna

A person shall not sell or take or offer to buy or sell or consign for the purposes of aviculture any young fauna not fully fledged or not able to stand or not able to feed unaided.

53. General

The Executive Director² may, at such intervals of time as may be convenient, supply to the Commissioner of Health a list of the licensed processing establishments and registered chiller units together with any other details of their standards, use and operation as may be required.

*[Regulation 53 amended in Gazette 24 Dec 1976 p. 5058;
1 Jun 1990 p. 2483 and 2486.]*

Part 8 — Illegal means and devices

54. Illegal means and devices

- (1)(a) Subject to paragraph (b), any firearm, weapon or instrument is an illegal device when used to take any fauna.
- (b) A firearm, weapon or instrument is not an illegal device when used to take fauna if its use is authorised by —
- (i) a licence issued under the Act, these regulations or the Pet Herpetofauna Regulations; or
 - (ii) a notice published under section 14 of the Act.
- [2) *deleted*]
- (3) Any electric torch, spotlight or lantern of any kind is an illegal device when used in the taking of any fauna, unless its use is authorised by a licence issued under the Act, these regulations or the Pet Herpetofauna Regulations.
- (3a) In subregulation (3), **fauna** does not include western grey kangaroo (*Macropus fuliginosus*), euro (hill kangaroo or biggada) (*Macropus robustus*), or red kangaroo (marloo) (*Macropus rufus*), when taken in accordance with a notice published under section 14 of the Act.
- (4) The use of any motor vehicle, boat, aircraft or other thing is an illegal means of taking fauna, when used to drive any fauna in front of or over shooters, unless its use is authorised by —
- (i) a licence issued under the Act, these regulations or the Pet Herpetofauna Regulations; or
 - (ii) a notice published under section 14 of the Act.
- (5) Bird-lime or any similar viscid substance is an illegal device when used in the taking of any fauna.

- (6) Subject to subregulation (7), the following are illegal devices when used to take any fauna —
- (a) a snare likely to throttle, or cause suffering to, ensnared animals;
 - (b) a trap likely to cause suffering to trapped animals;
 - (c) a mist net or other net.
- (7) The following devices are not illegal devices if used in the following manner —
- (a) traps or similar devices, if used to take fauna declared to be not protected by notice published under section 14 of the Act;
 - (b) a net, snare or trap when being lawfully used under another written law, which results in the accidental taking of fauna.
- (8) Subject to subregulation (9), use of an animal is an illegal means of taking fauna.
- (9) The use of an animal is not an illegal means of taking fauna if used to take fauna —
- (a) which has been declared to be not protected by notice published under section 14 of the Act; or
 - (b) under a licence issued under the Act, these regulations or the Pet Herpetofauna Regulations, if that licence permits the use of animals.
- (10) Subject to subregulation (11), the use of any explosive, poisonous, noxious or narcotizing substance is an illegal means of taking fauna.
- (11) The use of an explosive, poisonous, noxious or narcotizing substance is not an illegal means of taking fauna if —
- (a) the fauna taken by this means has been declared to be not protected by notice published under section 14 of the Act; or

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- (b) its use is authorised by a notice published under section 14 of the Act; or
- (c) used to take fauna under a licence issued under the Act, these regulations or the Pet Herpetofauna Regulations, if that licence permits the use of that substance.

*[Regulation 54 amended in Gazette 18 Aug 1972 p. 3153;
24 Dec 1976 p. 5058; 1 Jun 1990 p. 2486; 15 Nov 1991
p. 5806; 9 Oct 1992 p. 4971-3; 24 Sep 2002 p. 4766;
4 Feb 2003 p. 326.]*

Part 9 — Prohibited imports

55. Prohibited imports

Except pursuant to a licence issued under regulation 20, a person shall not bring into the State any species of animal in the following classes of animal, other than fauna in one of those classes:

- Pisces (fishes);
- Amphibia (frogs and salamanders);
- Aves (birds), other than the domestic canary — *Serinus canarius*;
- Reptilia (reptiles — snakes, lizards and tortoises);
- Mammalia (mammals); and
- Invertebrata (invertebrates).

*[Regulation 55 inserted in Gazette 21 Jul 1978 p. 2443;
amended in Gazette 16 Oct 1981 p. 4324.]*

[Part 10 (r. 56) deleted in Gazette 9 Oct 1992 p. 4973.]

Part 10A — Flora

[Heading inserted in Gazette 18 Apr 1980 p. 1132.]

56A. Term used: licence

In this Part *licence* means a licence issued pursuant to section 23A to section 23F, inclusive, of the Act.

[Regulation 56A inserted in Gazette 18 Apr 1980 p. 1132.]

56B. Use of flora obtained under licence

- (1) The purposes prescribed as prescribed purposes under section 23C(1)(b) of the Act are as follows —
 - (a) for scientific and educational purposes, that is to say, for the purposes of study or research by students or teachers of an educational institution approved of by the Minister;
 - (b) hobby purposes, that is to say, for encouraging the identification, cultivation and conservation of flora by persons or associations of persons;
 - (c) propagation purposes, that is to say, for the purposes of encouraging the propagation of protected flora by the collection of seeds or other units of reproduction and their cultivation;
 - (d) personal enjoyment, that is to say, for the purposes of domestic decoration, display or study.
- (2) A person who is issued with a licence pursuant to section 23C(1) of the Act for scientific purposes or for a purpose prescribed in subregulation (1) shall not directly or indirectly sell or otherwise dispose of for gain any protected flora obtained by him under the licence.

[Regulation 56B inserted in Gazette 18 Apr 1980 p. 1132.]

56C. Licence holder to furnish returns

The holder of a licence shall furnish to the Executive Director² such returns as to the taking of protected flora or sales thereof at such times and in such manner as are specified in his licence.

[Regulation 56C inserted in Gazette 18 Apr 1980 p. 1132; amended in Gazette 1 Jun 1990 p. 2486.]

56D. Production of licence

The holder of a licence who is taking protected flora on Crown land shall produce his licence whenever requested to do so by a wildlife officer or by any person appointed by the body or authority which has the care or control of that Crown land.

[Regulation 56D inserted in Gazette 18 Apr 1980 p. 1132.]

56E. Form of application for licence

- (1) An application for a licence issued pursuant to section 23C of the Act to take flora on Crown land —
 - (a) for commercial purposes shall be in the form of Form 18;
 - (b) for scientific purposes or any purpose prescribed pursuant to section 23C(1)(b) of the Act shall be in the form of Form 19.
- (2) Except where the Executive Director² is otherwise satisfied that an applicant is permitted to enter on any land for the purpose of collecting protected flora or that he will not enter on any land for that purpose unless he has obtained the permission of the owner or body or authority having care or control of the land, every application for a licence, other than an application for a nurseryman's licence issued under section 23D of the Act, shall be accompanied by the written permission of the owner of the land or the body or authority having care or control of the land specified in the application.

[Regulation 56E inserted in Gazette 18 Apr 1980 p. 1132; amended in Gazette 1 Jun 1990 p. 2486.]

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56F. Application under s. 23D

An application for a licence under section 23D of the Act shall be in the form of Form 20 in Appendix A.

[Regulation 56F inserted in Gazette 18 Apr 1980 p. 1132.]

56G. Licence holder to furnish voucher specimen

- (1) The holder of a licence shall furnish to the Executive Director² voucher specimens of any species of protected flora specified in his licence whenever requested so to do by the Executive Director².
- (2) A voucher specimen furnished pursuant to a request under subregulation (1) shall be of a standard that is sufficient to allow identification of the species of protected flora taken under the licence.

[Regulation 56G inserted in Gazette 18 Apr 1980 p. 1132; amended in Gazette 1 Jun 1990 p. 2486.]

56H. Flora licence fees

The fee payable in relation to a licence referred to in —

- (a) section 23C(1)(a) of the Act is \$100.00; or
- (b) section 23C(1)(b) of the Act is \$10.00; or
- (c) section 23D(3) of the Act is \$25.00.

[Regulation 56H inserted in Gazette 1 Jun 1990 p. 2483.]

Part 11 — Miscellaneous

57. Marking of wild fauna

A person shall not mark any wild fauna by means of rings, bands, dyes, or other means whatsoever unless he is the holder of a current licence issued pursuant to these regulations or the Pet Herpetofauna Regulations authorising him to so mark the fauna.

*[Regulation 57 amended in Gazette 24 Sep 2002 p. 4765-6;
4 Feb 2003 p. 325-6.]*

58. Releasing animals

A person shall not —

- (a) abandon; or
- (b) release from captivity or confinement in circumstances which may make the recovery of the bird or animal impossible or uncertain,

any bird or other animal, other than a homing or racing pigeon, without the prior permission in writing of the Executive Director².

*[Regulation 58 amended in Gazette 24 Dec 1976 p. 5059;
1 Jun 1990 p. 2486.]*

59. Protection of research programmes

- (1) A person shall not move, remove, obliterate, damage, obscure, alter or otherwise interfere with any —
 - (a) mark, sign or device on any vegetation or animal; or
 - (b) scientific equipment of any nature; or
 - (c) tape, wire, sheet, card or other record of any description,

which has been or is being or is about to be used in any research programme except by prior permission of the Executive Director² or the person in charge of the research programme.

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- (2) A person shall not move or release any animal from any trap or pit except in the prosecution of a research programme under which the trapping or taking of such animal was authorised.
- (3) A person shall not deliberately interfere in any manner with any research programme.

*[Regulation 59 amended in Gazette 24 Dec 1976 p. 5059;
1 Jun 1990 p. 2486.]*

60. Inspection of books and premises

- (1) A wildlife officer may at any reasonable time inspect the records which the holder of a licence issued pursuant to these regulations or the Pet Herpetofauna Regulations is required to keep or maintain.
- (2) A wildlife officer may at any reasonable time inspect the premises and collect tags and research or other departmental material from any premises, vessels, vehicles or units licensed pursuant to these regulations or the Pet Herpetofauna Regulations or from any other place to which he makes lawful access.

*[Regulation 60 amended in Gazette 24 Dec 1976 p. 5059;
24 Sep 2002 p. 4765-6; 4 Feb 2003 p. 325-6.]*

61. Forfeiture and disposal of fauna or illegal devices

- (1) Where any illegal device or any fauna or flora has been found by a wildlife officer or honorary wildlife officer pursuant to section 27A of the Act and the owner thereof cannot be found, a notice of the finding in Form 14 in Appendix A shall be displayed by the wildlife officer or honorary wildlife officer in at least one of the 3 following places —
 - (a) outside the nearest wildlife officer's office; or
 - (b) at the nearest police station; or

(c) at the nearest post office,

and the wildlife officer or honorary wildlife officer shall not cause any illegal device or any fauna or flora or other thing so found to be taken before a justice as required by section 27A of the Act until a period of 14 days has elapsed after the display of the notice.

- (2) Where the wildlife officer or honorary wildlife officer causes any fauna, flora, illegal device or other thing to be so taken before a justice, he shall make written application for the forfeiture of the fauna, flora or device in Form 15 in Appendix A.
- (3) Where any fauna, flora, illegal device or other thing is forfeited under the provisions of section 27A of the Act, the Executive Director² may, with the approval of the Minister, sell or dispose of the fauna, flora, devices or other thing so forfeited in any of the following ways —
- (a) he may apply them to the use of any department of the State or Commonwealth Governments; or
 - (b) he may sell them at public auction or by tender or by private treaty; or
 - (c) he may order their destruction.
- (4) Any money obtained from the sale or disposal of fauna, flora, devices or other things so forfeited shall be credited to the Consolidated Account⁵.

*[Regulation 61 amended in Gazette 24 Dec 1976 p. 5059;
1 Jun 1990 p. 2486; 31 May 1991 p. 2653; 9 Oct 1992 p. 4973.]*

[62. Deleted in Gazette 31 May 1991 p. 2654.]

63. Exclusion of operation of Act s. 23(3)

- (1) In this regulation —
CALM land has the meaning given in the *Conservation and Land Management Regulations 2002* regulation 2;

camping area has the meaning given in the *Conservation and Land Management Regulations 2002* regulation 2;

relevant CALM land means CALM land that is, or is within 1 km of, any of the following —

- (a) a car park, including any area where signs direct vehicles to be parked or that is predominantly used for parking vehicles;
- (b) a sealed road;
- (c) a camping area;
- (d) a visitor area;

townsite has the meaning given in the *Land Administration Act 1997* section 26(1);

urban land means land within the metropolitan region as defined in the *Planning and Development Act 2005* section 4(1), the Peel Region described in Schedule 4 to that Act or the local government district of Bunbury;

visitor area includes any of the following —

- (a) an area of cultivated lawn;
- (b) an area signposted as a picnic area;
- (c) an area signposted as an historical, natural or cultural point of interest;
- (d) an area where any of the following have been provided for visitors —
 - (i) tables and seating;
 - (ii) a lookout or platform;
 - (iii) a toilet facility;
 - (iv) a rubbish bin;
 - (v) interpretive information;
 - (vi) any building, facility or other erected or constructed thing,

but does not include a walk trail or unsealed road.

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- (2) The operation of section 23(3) of the Act is excluded in relation to the taking of fauna contrary to section 16(1) of the Act if the fauna is declared under section 14(4) of the Act to be fauna which is likely to become extinct, or is rare, or otherwise in need of special protection, other than —
- (a) dugong (*Dugong dugon*); and
 - (b) loggerhead turtle (*Caretta caretta*); and
 - (c) leathery turtle (*Dermochelys coriacea*); and
 - (d) olive ridley turtle (*Lepidochelys olivacea*); and
 - (e) flatback turtle (*Natator depressus*); and
 - (f) green turtle (*Chelonia mydas*); and
 - (g) hawksbill turtle (*Eretmochelys imbricata*); and
 - (h) saltwater crocodile (*Crocodylus porosus*); and
 - (i) Australian freshwater crocodile (*Crocodylus johnstoni*).
- (3) Subject to subregulation (4), the operation of section 23(3) of the Act is excluded in relation to the taking of fauna contrary to section 16(1) of the Act —
- (a) in an area of a marine park classified under the *Conservation and Land Management Act 1984* section 62(1a) to be a sanctuary area; or
 - (b) in a marine nature reserve as defined in the *Conservation and Land Management Act 1984* section 3.
- (4) Subregulation (3) does not apply in relation to —
- (a) fauna referred to in subregulation (2)(a) to (i) taken with the written permission of the CEO; or
 - (b) fauna taken in accordance with the *Fish Resources Management Act 1994*.
- (5) The operation of section 23(3) of the Act is excluded in relation to the taking of fauna contrary to section 16(1) of the Act if the fauna is taken —
- (a) without the written permission of the CEO; and

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- (b) on land that is relevant CALM land or urban land or in a townsite.
- (6) The operation of section 23(3) of the Act is excluded in relation to the taking of rare flora contrary to section 23F(4) of the Act if the rare flora is taken without the written permission of the CEO.

[Regulation 63 inserted in Gazette 7 Dec 2012 p. 5978-9.]

64. Permission of CEO

- (1) When giving written permission for the purpose of regulation 63, the CEO is to specify in the permission —
 - (a) the person or persons or group, body or association of persons to whom the permission applies; and
 - (b) the conditions, if any, subject to which the permission is given.
- (2) The permission has effect —
 - (a) for the period of effect specified in the permission, unless it is sooner revoked by the CEO under regulation 65(2); or
 - (b) if no period of effect is specified in the permission, until it is revoked by the CEO under regulation 65(2).
- (3) The permission has no effect —
 - (a) in respect of any person to whom the permission applies who does not observe or perform a condition; and
 - (b) during any period in which the condition is not observed or performed by that person.

[Regulation 64 inserted in Gazette 7 Dec 2012 p. 5979-80.]

65. Variation and revocation of permission

- (1) If written permission for the purpose of regulation 63 (the ***permission***) is given subject to conditions, those conditions may be added to, cancelled, suspended or otherwise varied by written

notice given by the CEO to the person or persons or group, body or association of persons to whom the permission applies (the *permission holder*).

- (2) The CEO may at any time revoke the permission by written notice given to the permission holder.
- (3) If the CEO proposes to revoke the permission under subregulation (2), the CEO is to give the permission holder written notice of the proposal and the CEO's reasons for the proposal.
- (4) The notice is to state that the permission holder may make written representations to the CEO concerning the proposal within 21 days after the notice is given.
- (5) The CEO is not to give effect to the proposal without considering any representations received within that period.

[Regulation 65 inserted in Gazette 7 Dec 2012 p. 5980.]

First Schedule

Fees for licences to export fauna

- 1.** No fee is payable in respect of the export of any live fauna which the Executive Director² considers has been legally held in conformity with these regulations as a family pet, and where the family concerned is leaving the State.
- 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.
- 2.** Subject to paragraph 1, the administration fee for a licence to export fauna (live or dead) is \$20 per consignment.

[First Schedule inserted in Gazette 16 Oct 1981 p. 4324; amended in Gazette 1 Jun 1990 p. 2483 and 2486; 31 May 1991 p. 2653-4.]

Second Schedule

Fees for licences to import fauna and other animals

[Heading amended in Gazette 31 May 1991 p. 2654.]

1. No fee is payable in respect of the bringing into this State of any fauna that is a family pet from another State or Territory if the fauna has been lawfully obtained and kept in the State or Territory of origin.
- 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.
2. Subject to paragraph 1, the administration fee for a licence to import fauna or other animals is \$20 per consignment.

[Second Schedule inserted in Gazette 16 Oct 1981 p. 4325; amended in Gazette 1 Jun 1990 p. 2483; 31 May 1991 p. 2654.]

Form 14

Appendix A

[Forms 1 to 13 deleted in Gazette 31 May 1991 p. 2654.]

Form 14

WILDLIFE CONSERVATION ACT 1950

(Regulation 61)

NOTICE

Place.....

Date.....

TO WHOM IT MAY CONCERN

TAKE NOTICE that on the day of 20
the following fauna/flora/illegal device(s) was/were found at
with no person in possession thereof

After 14 days from the date of this notice I shall take the said
fauna/flora/device(s) before a Justice of the Peace at and apply
for an order for its/their condemnation.

Any person making a claim to ownership may appear before the Justice and
make such proper representations as he may think fit.

.....
Wildlife Officer.

*[Form 14 amended in Gazette 24 Dec 1976 p. 5059; 31 May 1991
p. 2654.]*

Form 15

WILDLIFE CONSERVATION ACT 1950

(Regulation 61)

APPLICATION FOR AN ORDER FOR FORFEITURE

I,
Wildlife Officer for the State of Western Australia do hereby make application
to
..... for an order for forfeiture of the
following fauna/flora/illegal devices found by
..... at
on..... in accordance with the provisions of the
Wildlife Conservation Act 1950. I have given the prescribed notice of the
finding of the
..... in accordance with the requirements of the said Act.

.....
Wildlife Officer.

ORDER FOR FORFEITURE

Being satisfied that there are reasonable grounds for believing that the
were used or intended to be used, and/or the were taken, in
contravention of the said Act, I do hereby condemn the as
forfeited to the Crown.

Given under my hand at in the said State
this day of 20

.....
Justice of the Peace.

*[Form 15 amended in Gazette 24 Dec 1976 p. 5059; 31 May 1991
p. 2654.]*

[Forms 16 and 17 deleted in Gazette 31 May 1991 p. 2654.]

Form 18

Reg. 56E(1)(a)

Western Australia

Wildlife Conservation Act 1950 (as amended)

APPLICATION FOR A COMMERCIAL PURPOSES LICENCE

(Section 23C(1)(a))

I,
of
hereby apply for the issue to me of a licence for commercial purposes pursuant
to section 23C of the *Wildlife Conservation Act 1950* (as amended).

The land to which this application relates is as follows —

Land district	Lot or location no.	Property name	Name of local authority
---------------	---------------------	---------------	-------------------------

.....
(specify and identify each piece of land to which this application relates by
reference to lot, location, etc., and indicate name of local authority).

The classes or descriptions of flora to which this application relates are as
follows —

(a) Parts to be taken (e.g. flowering stems, fruits (nuts), seeds, leaves, whole plants, cuttings or other categories)	Scientific name	Common name (if any)
--	-----------------	----------------------

.....
The following outlines my previous experience in the industry —

Number of years in the trade

As a picker dealer grower (tick box)

On a part time full time basis (tick box)

If experience has been as a picker list areas (Shires) where flora has been
picked in last 3 years

.....
Description of flora taken/grown during last 3 years

Parts of plant	Scientific name	Common name
----------------	-----------------	-------------

.....
.....

Names of persons/firms supplied

Where applicable, state period during the year in months for which licence required.

Dated this day of 20 .

.....
Signature of Applicant.

[Form 18 inserted in Gazette 18 Apr 1980 p. 1133.]

Form 20

Reg. 56F

Western Australia

Wildlife Conservation Act 1950 (as amended)

**APPLICATION FOR A COMMERCIAL PRODUCER'S LICENCE OR A
NURSERYMAN'S LICENCE**

(Section 23D)

I,
of
hereby apply for the issue to me of a licence as a

.....
(specify whether commercial producer's licence or nurseryman's licence)
pursuant to section 23D of the *Wildlife Conservation Act 1950* (as amended).

The land to which this application relates is as follows —

Land district	Lot or location no.	Property name	Name of local authority
---------------	---------------------	---------------	-------------------------

.....
(specify and identify each piece of land to which this application relates by reference to lot, location, etc., and indicate name of local authority.)

The classes or descriptions of flora to which this application relates are as follows —

(a) Parts to be taken (e.g. flowering stems, fruits (nuts), seeds, leaves, whole plants, cuttings or other categories).	Scientific name	Common name (if any)
---	-----------------	----------------------

.....
Where applicable, state period during the year in months for which licence required.

Dated this day of 20 ..

.....
Signature of Applicant.

[Form 20 inserted in Gazette 18 Apr 1980 p. 1134.]

[Appendix B deleted in Gazette 31 May 1991 p. 2654.]

Appendix C

Part A

- | | | |
|----|--------------------------------|--------------------------------------|
| 1. | Bourke's Parrot | <i>Neophema bourkii</i> |
| | Turquoise Parrot | <i>Neophema pulchella</i> |
| | Scarlet-Chested Parrot | <i>Neophema splendida</i> |
| | Pictorella Mannikin | <i>Lonchura pectoralis</i> |
| | Masked Finch | <i>Poephila personata</i> |
| 2. | Sulphur-Crested Cockatoo | <i>Cacatua galerita</i> |
| | Galah | <i>Cacatua roseicapilla</i> |
| | Little Corella | <i>Cacatua sanguinea</i> |
| | Long-Billed Corella | |
| | (Central-West) | <i>Cacatua pastinator butleri</i> |
| | Long-Billed Corella (Eastern) | <i>Cacatua tenuirostris</i> |
| | Port Lincoln Ringneck | <i>Barnardius zonarius</i> |
| | Western Rosella | <i>Platycercus icterotis</i> |
| | Red-Capped (WA King)
Parrot | <i>Purpureicephalus spurius</i> |
| 3. | Stubble Quail | <i>Coturnix novaezealandiae</i> |
| | Brown Quail | <i>Coturnix australis</i> |
| | Red-Backed Button-Quail | <i>Turnix maculosa</i> |
| | Red-Chested Button-Quail | <i>Turnix pyrrhothorax</i> |
| | Painted Button-Quail | <i>Turnix varia</i> |
| | Little Button-Quail | <i>Turnix velox</i> |
| | Bar-Shouldered Dove | <i>Geopelia humeralis</i> |
| | Green-Winged Pigeon | <i>Chalcophaps indica</i> |
| | Common Bronzewing | <i>Phaps chalcoptera</i> |
| | Crested Pigeon | <i>Ocyphaps lophotes</i> |
| | 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> |
| | Musk Lorikeet | <i>Glossopsitta concinna</i> |
| | Little Lorikeet | <i>Glossopsitta pusilla</i> |
| | Alexandra's (Princess) Parrot | <i>Polytelis alexandrae</i> |
| | Regent (Smoker) Parrot | <i>Polytelis anthopeplus</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 adalaidae</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-Browed 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

Spinifex (Red-Plumed) Pigeon	<i>Petrophassa plumifera</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>
Purple-Crowned Lorikeet	<i>Glossopsitta porphyrocephala</i>
Varied Lorikeet	<i>Psitteuteles versicolor</i>

Swift Parrot	<i>Lathamus discolor</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>

Part C

All species of avian fauna not listed in either Parts A, B or D of this Appendix.

Part D

Species classed in any State or Territory as rare or endangered or in need of some form of special protection and not listed in Parts A and B.

[Appendix C inserted in Gazette 21 Jul 1978 p. 2644-6; amended in Gazette 11 Aug 1978 p. 2883; 16 Oct 1981 p. 4325; 18 Feb 1983 p. 526; 1 Jun 1990 p. 2484-5 (erratum 15 Jun 1990 p. 2722); 31 May 1991 p. 2654 (erratum 15 Jan 1993 p. 169).]



Notes

- ¹ This reprint is a compilation as at 12 April 2013 of the *Wildlife Conservation Regulations 1970* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Fauna Conservation Regulations</i> ⁶	18 Nov 1970 p. 3547-85	18 Nov 1970
Untitled regulations	18 Aug 1972 p. 3153	18 Aug 1972
Untitled regulations	6 Oct 1972 p. 4026-7	6 Oct 1972
Untitled regulations	4 May 1973 p. 1118-19	4 May 1973
Untitled regulations	5 Oct 1973 p. 3663	1 Nov 1973
Untitled regulations	24 Dec 1976 p. 5047-59	1 Jan 1977
Untitled regulations	4 Feb 1977 p. 341	4 Feb 1977
Untitled regulations	12 Aug 1977 p. 2612	12 Aug 1977
Untitled regulations	2 Jun 1978 p. 1685	1 Jul 1978
Untitled regulations	21 Jul 1978 p. 2642-6	1 Aug 1978
Untitled regulations	11 Aug 1978 p. 2883	11 Aug 1978
Untitled regulations	16 Mar 1979 p. 694-5	16 Mar 1979
Untitled regulations	18 Apr 1980 p. 1132-4	28 Apr 1980 (see <i>Gazette</i> 18 Apr 1980 p. 1115)
<i>Wildlife Conservation Amendment Regulations 1981</i>	27 Mar 1981 p. 1045-54	27 Mar 1981
<i>Wildlife Conservation Amendment Regulations (No. 2) 1981</i>	16 Oct 1981 p. 4323-5	16 Oct 1981

Wildlife Conservation Regulations 1970

Citation	Gazettal	Commencement
Reprint of the Wildlife Conservation Regulations 1970 dated 23 Feb 1982 (see <i>Gazette</i> 8 Mar 1982 p. 747-800) (includes amendments listed above except those in the <i>Wildlife Conservation Amendment Regulations (No. 2) 1981</i>)		
<i>Wildlife Conservation Amendment Regulations 1983</i>	18 Feb 1983 p. 526	18 Feb 1983
<i>Wildlife Conservation Amendment Regulations 1986</i>	27 Jun 1986 p. 2193	1 Jul 1986 (see r. 2)
<i>Wildlife Conservation Amendment Regulations 1988</i>	11 Mar 1988 p. 784 (erratum 18 Mar 1988 p. 823)	11 Mar 1988
<i>Wildlife Conservation Amendment Regulations (No. 2) 1989</i>	18 Aug 1989 p. 2763-4	18 Aug 1989
<i>Wildlife Conservation Amendment Regulations 1990</i>	1 Jun 1990 p. 2477-86 (erratum 15 Jun 1990 p. 2722)	1 Jun 1990
<i>Wildlife Conservation Amendment Regulations 1991</i>	31 May 1991 p. 2649-54	1 Jun 1991 (see r. 1)
<i>Wildlife Conservation Amendment Regulations (No. 2) 1991</i>	15 Nov 1991 p. 5804-6	15 Nov 1991
Reprint of the Wildlife Conservation Regulations 1970 as at 30 Jan 1992 (includes amendments listed above) (errata in <i>Gazette</i> 15 Jan 1993 p. 169)		
<i>Wildlife Conservation Amendment Regulations 1992</i>	9 Oct 1992 p. 4970-3	9 Oct 1992
<i>Wildlife Conservation Amendment Regulations 2001</i>	14 Aug 2001 p. 4237-8	14 Aug 2001
<i>Conservation and Land Management Regulations 2002</i> r. 115(c) ⁷	3 May 2002 p. 2233-308	3 May 2002
Reprint of the Wildlife Conservation Regulations 1970 as at 7 Jun 2002 (includes amendments listed above)		
<i>Wildlife Conservation Amendment Regulations 2002</i>	24 Sep 2002 p. 4763-6	24 Sep 2002 ⁸
<i>Wildlife Conservation Amendment Regulations 2003</i>	4 Feb 2003 p. 323-6	4 Feb 2003
<i>Standardisation of Formatting Act 2010</i> s. 51 assented 28 Jun 2010		11 Sep 2010 (see s. 2(b) and <i>Gazette</i> 10 Sep 2010 p. 4341)

Citation	Gazettal	Commencement
<i>Wildlife Conservation Amendment Regulations 2012</i>	7 Dec 2012 p. 5977-80	r. 1 and 2: 7 Dec 2012 (see r. 2(a)); Regulations other than r. 1 and 2: 8 Dec 2012 (see r. 2(b) and <i>Gazette</i> 7 Dec 2012 p. 5963)

Reprint 4: The *Wildlife Conservation Regulations 1970* as at 12 Apr 2013
(includes amendments listed above)

- ² The requirement to appoint an Executive Director was removed from the Act and references to the Executive Director were replaced by references to the CEO, see the *Machinery of Government (Miscellaneous Amendments) Act 2006* Pt. 7 Div. 1. Section 454 of that Act is a general transitional provision that applies to references to the Executive Director in written laws.
- ³ Now known as the Zoological Parks Authority.
- ⁴ Repealed by the *Zoological Parks Authority Act 2001*.
- ⁵ Under the *Financial Legislation Amendment and Repeal Act 2006* Sch. 2 cl. 13 a reference to the Consolidated Fund may, where the context so requires, be read as if it had been amended to be a reference to the Consolidated Account. This reference was changed under the *Reprints Act 1984* s. 7(5)(a).
- ⁶ Now known as the *Wildlife Conservation Regulations 1970*; citation changed (see note under r. 1).
- ⁷ The *Conservation and Land Management Regulations 2002* r. 116 reads as follows:

116. Saving

- (1) Nothing in this regulation is to be construed so as to limit the operation of the *Interpretation Act 1984*.
- (2) The repeal of a former provision does not affect any document or appointment made or anything done under any provision so repealed so far as it is subsisting or in force at the time of the repeal and could have been made or done under these regulations.
- (3) Each such document, appointment or thing has effect as if it had been made or done under the corresponding provision of these regulations and as if the provisions had been in force when the document or appointment was made or the thing was done.
- (4) In particular, and without limiting the generality of subregulations (2) and (3), those subregulations apply to —
 - (a) any notice erected on any land; and

- (b) any licence granted under Part 5 of the *Conservation and Land Management Regulations 1992*.
- (5) In subregulation (1) —
former provision means a provision repealed by regulation 114 or 115.

⁸ The commencement date referred to in r. 2 was before the date of gazettal.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
abandoned juvenile fauna	28A(5)
advanced avicultural licence	3
affix	3
authorised	3
avicultural licence	3
bird dealer's licence	3
CALM land	63(1)
camping area	63(1)
chiller unit	3
damage licence	3
direct dealer	3
fauna	8A(7), 54(3a)
fauna farm licence	3
illegal tag	3
licence	56A
other approved fauna	10(1)
permission	65(1)
permission holder	65(1)
Pet Herpetofauna Regulations	3
professional shooter's licence	3
registered	3
registered agent	10(1)
registered route	3
relevant CALM land	63(1)
tag	3
townsite	63(1)
transport unit	3
trapper's licence	3
urban land	63(1)
visitor area	63(1)
wildlife licence	3
working day	12(11)