

Take from the Wild Policy

Description:

This policy states the Department's position on taking protected animals from the wild and applies to private breeders, wildlife demonstrators and wildlife exhibitors (such as zoos and wildlife parks), wildlife management agencies, and businesses involved in the production of biological products, who seek to take protected animals from the wild into captivity under Section 53 (1)(d) of the *National Parks and Wildlife Act 1972*.

The act of taking a protected animal from the wild, perceived to require immediate help (a "rescue"), the taking of protected animals from the wild for scientific research purposes, hunting (taking) Galahs and Little Corellas from the nest or by trapping, and taking an unprotected animal listed in schedule 10 of the *National Parks and Wildlife Act 1972* fall outside the scope of this policy.

Document Control:

Creator.CorporateName	Science and Conservation Biodiversity Conservation Program
Creator.PersonalName	Fiona Fuhlbohm
Date.Created	23/12/2003
Date.Released	
Date.Reviewed	30 June 2006
Version	Final
Description	This policy states the Department's position on taking protected animals from the wild. Take from the wild permits cover a range of activities including supplementing or introducing new species to captive trade.
Keywords	SU - Sustainable Use, Regulated Use of Wildlife, Assessment of applications to take protected animals from the wild, Taking protected animals from the wild
Availability	S:\OpSupport\BioConserv\PROJECTS\Take from the Wild\Policy Procedure and Standard\Policy\Final policy
Identifier.URL	http://hub2/ppg/
Identifier.URI	DEH 21/1891
Coverage	Departmental
Quality Control	

Authorisation:**DIRECTOR, SCIENCE AND CONSERVATION**

Name:

Date

TAKE FROM THE WILD

Policy, Procedure and Standard

(Under Section 53(1)d of *National Parks and Wildlife Act 1972*)

This Policy, Procedure and Standard framework facilitates the taking of native animals from the wild for the purpose of establishing and maintaining captive colonies. Applicants may include private keepers and breeders, wildlife demonstrators, wildlife exhibitors such as zoos and wildlife parks, wildlife management agencies, and businesses involved in the production of biological products.

Many thousands of Australians derive a great deal of enjoyment, understanding and appreciation for native wildlife from their interactions with captive wildlife. Consequently, a viable trade in live fauna exists in South Australia and other states and territories, with trade generally confined to captive-bred stock. The size of the market, ease of keeping and breeding, value of the animal and availability of species to be taken from the wild, all serve to regulate the availability of protected animals within the trade.

This Policy adopts the ethic that limited take from the wild is acceptable, and provides valuable opportunities for the broader public to interact with and develop an affinity for a diverse range of native wildlife. While the Policy directs that the removal of any wildlife is undertaken in an ecologically acceptable manner, it also recognises the broader conservation and public knowledge benefits that are acquired through having wildlife in captivity. In addition, potential economic, social or educational benefits are derived from keeping and breeding wildlife in captivity.

The Department for Environment and Heritage promotes fair and reasonable access to wildlife, and in assessing any application, will consider the impacts on wild populations, reason for taking an animal from the wild, conservation status of species in the wild, status of the species in captivity and the knowledge and experience of the applicant. Naturally, those species of higher conservation concern are subject to additional considerations.

Within the Department for Environment and Heritage, the Science and Conservation Directorate (Biodiversity Conservation Program), Regional Conservation Directorate (Investigations and Compliance Unit), and Natural and Cultural Heritage Directorate (Animal Welfare Unit) contribute expertise to the assessment and decision making process for all permit applications. The Regional Conservation Directorate (Fauna Permit Unit) co-ordinates the application processes and performs associated administrative duties.

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1. POLICY STATEMENT

This policy concerns the taking of protected animals from the wild for the purpose of supplementing or introducing new species to captive trade, for display of native animals, the production of biological products, or as part of a threatened species recovery program.

1.1 Ethic

This policy adopts the ethic that a limited take from the wild is acceptable providing it occurs within an ecologically acceptable framework and is consistent with the objectives of the *National Parks and Wildlife Act 1972*.

1.2 Use of biological resources

The National Conservation Strategy and Guidelines on Ecologically Sustainable Development (ESD) encourage the wise community use of species and ecosystems.

Where insufficient information is available on likely ecological impacts of a certain use, the precautionary principle will apply, and such use will be restricted to low levels, while further information is gathered.

1.3 Access to wildlife

Experienced private breeders, wildlife demonstrators, zoos and wildlife parks, wildlife management agencies, and businesses involved in producing biological products, seek to take protected animals from the wild into captivity.

The Department for Environment and Heritage promotes fair and reasonable access to wildlife within parameters that address the following:

- impacts on wild populations from removal of animals from the wild,
- reason for taking an animal from the wild,
- conservation status of species in the wild,
- status of the species in captivity,
- knowledge and experience of the applicant, and
- standards of husbandry and appropriate facilities to be provided by the applicant.

1.4 Conservation Criteria

This policy adopts the following conservation criteria that must be considered when assessing an application to take protected animals from the wild:

- potential impact of take on wild populations and/or habitat,
- the range and/or abundance of the species, potential stress and harm to the wild population,
- potential impact on viability of wild population, and
- potential for damage to the environment during capture of animal(s).

1.5 Royalties and permit fees

A strong Ecological Sustainable Development (ESD) principle is that the economic beneficiaries of biological resources should contribute toward the cost of stewardship of the resource. Royalties are payable if the Crown relinquishes stewardship of the animals. Royalties are not refunded if animals are not successfully collected.

The royalty payable is dependent on the conservation rating of the protected species and the number of animals approved to be taken on permit.

In circumstances where take from the wild forms part of a threatened species recovery program or management plan, then royalties payable may be waived. The decision to waive royalty fees is at the discretion of the delegated officer(s).

A set permit fee is payable, regardless of whether royalty fees are recovered or waived.

1.6 Animal Welfare

The Department for Environment and Heritage recognises that the welfare of animals taken from the wild is of paramount importance.

The treatment of all animals must be in accordance with the provisions of the *Prevention of Cruelty to Animals Act 1985* and permit holders must comply with relevant code(s) of practice where they exist.

1.7 Use of protected animals as a food source for captive animals

This policy does not allow persons to take protected animals from the wild for use as a food source for captive animals.

1.8 Species provenance

This policy does not support the taking of animals from the wild for the purpose of supplementing captive trade with a species from a disjunct, separate or isolated (sub) population. Consideration may only be given in circumstances where the species or subspecies is morphologically different and is consistent with the remainder of the policy.

1.9 High degree of protection for threatened species

Animals, listed in schedules 7 (endangered) or 8 (vulnerable) of the *National Parks and Wildlife Act 1972*, or nationally listed species that are approved for take from the wild, and all resultant progeny from these animals, will remain the property of the Department for Environment and Heritage. A permit will only be available where the species is taken from the wild as part of an approved Threatened Species Recovery Plan or Management Plan.

Animals listed in schedule 9 (rare) of the *National Parks and Wildlife Act 1972*, may be approved for take from the wild in circumstances where the species is considered secure and the species is not nationally listed as a threatened species. Stewardship of these animals and resultant progeny is considered on its merits on a case-by-case basis.

1.10 Threatened Species Recovery Programs

Taking protected animals from the wild for the purpose of re-introduction or restocking of wild populations must comply with the Translocation of Fauna Policy (in draft) and be endorsed by the Director, Science and Conservation Directorate, Department for Environment and Heritage.

1.11 Native Title

The Department for Environment and Heritage recognises that native title holders may have particular rights associated with practicing their traditional law and custom over lands and waters.

Relevant provisions in the *Native Title Act (1993) (Cth.)* will be followed when implementing this policy. This may include giving claimants the right to

comment on decisions and activities that affect the enjoyment of their native title rights and interests within their particular claim area.

1.12 Aboriginal culture

This policy acknowledges there are wildlife species that are culturally significant to indigenous people and recognises Aboriginal culture and identity.

1.13 Liability for loss or injury

The Department for Environment and Heritage does not accept any liability for the loss or injury, or any other incidents, associated with the removal and transportation of protected animals from the wild authorised on a permit to take protected animals from the wild. This includes, but is not limited to, disease transmission from wild to captive animals.

2. OBJECTIVES

1. To regulate entry, into the fauna trade, of animals taken from the wild where it can be demonstrated that there is no ecological risk or impact to the species or to natural ecological communities.
2. To ensure a consistent approach relating to taking protected animals from the wild.
3. To ensure that the captive fauna keeping and trading does not adversely impact wild populations or ecological communities.
4. To maximise the conservation value of the species without jeopardising the conservation status of wild populations of the species.
5. To promote the conservation of biodiversity and manage access to wild fauna populations for future generations.
6. To recognise the native title rights of indigenous people in the conservation and ecologically sustainable use of wildlife.
7. To recognise Aboriginal culture and sensitivities towards species that may not be affected by native title.

3. BACKGROUND

3.1 Legislative Mandate

The *National Parks and Wildlife Act 1972* protects native wildlife. All native mammals, birds and reptiles (excluding unprotected species listed in Schedule 10 of that Act) are protected throughout the state.

The *National Parks and Wildlife Act 1972* provides for a permit system to take native animals (including mammals, birds and reptiles) from the wild. Under the Act 'take' is defined as any act of hunting, catching, restraining, killing or injuring, and any act of attempting or assisting to hunt, catch, restrain, kill or injure.

Permits issued pursuant to Section 53(1)(d) of the *National Parks and Wildlife Act 1972* are designed to facilitate activities including taking animals from the wild where this is not inconsistent with the objectives of the Act.

3.2 Historical context

A viable trade in live fauna exists in South Australia and other states and territories with trade generally confined to captive-bred stock. In South Australia, wild harvest of abundant species (Galahs and Little Corellas) and a

limited take from the wild of other species, also contributes to captive trade stocks.

The size of the market, the ease of keeping and breeding and the value of the animal, in part, regulate the availability of protected animals in the trade.

The number of applications to take from the wild in South Australia received each year is approximately 20.

3.3 Why take protected animals from the wild?

There are potential economic, social or educational benefits associated with captive breeding and introduction of new species of wildlife to captive trade, and production of biological products.

The types of animals sought after include:

- species with specialist keeping and husbandry requirements,
- species absent or in limited numbers in captive trade,
- reptiles obtained via snake catcher call out,
- species to supplement bloodlines in existing captive stocks,
- species which produce biological products,
- threatened species, as part of a threatened species recovery program, and
- species approved for trial farming.

3.4 Granting a Permit

Permits to take protected animals from the wild, may be granted on a restricted basis, where it can be demonstrated that the objectives in Part 2 of this Policy can be achieved. Permits may also be subject to restrictions, conditions or limitations as may be considered necessary to meet the objectives of the NPW Act (refer to Attachment A for example of standard permit conditions).

4. SCOPE

This policy applies to private breeders, wildlife demonstrators and wildlife exhibitors (such as zoos and wildlife parks), wildlife management agencies, and businesses involved in the production of biological products, who seek to take protected animals from the wild into captivity under Section 53 (1)(d) of the *National Parks and Wildlife Act 1972*.

Section 53(1)(d) states that *“the Minister may grant to any person a permit to take protected animals or the eggs of protected animals, if satisfied that it is desirable to grant the permit for any other purpose (other than for sale) that the Minister considers proper and not inconsistent with the objectives of this Act”*.

The act of taking a protected animal from the wild, perceived to require immediate help (a “rescue”), the taking of protected animals from the wild for scientific research purposes, and hunting (taking) Galahs and Little Corellas from the nest or by trapping, fall outside the scope of this policy.

The act of taking an unprotected animal listed in schedule 10 of the *National Parks and Wildlife Act 1972* is outside the scope of this policy.

5. MANDATE

This policy reinforces the requirements Section 53(1)(d) of the *National Parks and Wildlife Act 1972*, which states that the Minister for Environment and Conservation must be satisfied that it is desirable to grant a permit for any other purpose considered proper and not inconsistent with the objectives of the Act.

This policy identifies that delegated officers within the Department for Environment and Heritage have a responsibility to;

- ensure that conservation principles are upheld in order to avoid potential exploitation of protected animals in the wild,
- remain consistent and operate within the objectives of the *National Parks and Wildlife Act 1972*, and
- avoid inconsistencies in the application of the decision making process.

This document supersedes any previous documents.

6. COMPLIANCE REQUIREMENTS

National Parks and Wildlife Act 1972 and Regulations

Prevention of Cruelty to Animals Act 1985

Australian Code of Practice for the Care and Use of Animals for Scientific Purposes, 6th edition, September 1997

South Australian Code of Practice for the Husbandry of Captive Birds

Native Title Act (1993) Cth

Wardens appointed pursuant to Section 20 of the *National Parks and Wildlife Act 1972* are responsible for compliance with the Take from the Wild Policy, Procedure and Standard documents.

7. ROLES AND RESPONSIBILITIES

The Senior Wildlife Officer, Science and Conservation Directorate, is the delegated officer responsible for the Take from the Wild policy. Other delegated officers include:

- Senior Ecologist, Abundant Species and Sustainable Use, Biodiversity Conservation Program, Science and Conservation Directorate
- Manager, Biodiversity Conservation Program, Science and Conservation Directorate
- Manager, Fauna Permits, Regional Conservation Directorate
- DEH Directors

The Regional Conservation Directorate (Fauna Permit Unit) is responsible for the day-to-day operation and implementation of the Take from the Wild policy.

The Science and Conservation Directorate (Biodiversity Conservation Program), Regional Conservation Directorate (Investigations and Compliance Unit), and Natural and Cultural Heritage Directorate (Animal Welfare Unit) contribute expertise to the assessment and decision making process for all permit applications. The Regional Conservation Directorate (Fauna Permit Unit) co-

ordinates the application process and performs associated administrative duties (refer to Attachment B Business Process Plan).

8. MANAGEMENT

The Take from the Wild policy will be reviewed every 3 years.

The Science and Conservation Directorate will report on the management and implementation of the Policy to the National Parks and Wildlife Council and Chief Executive annually.

9. LINKS TO AGENCY ASSOCIATED DOCUMENTS

DEH Take from the Wild Standard adopted on 26 July 2005

DEH Take from the Wild Procedure adopted on 26 July 2005

DEH Standard Operating Procedure "Native Species – Rescue and Release" adopted on 28 January 2004

DEH Standard Operating Procedure "Keeping Venomous Snakes" adopted on 28 January 2004

DEH Standard Operating Procedure "Reptile in Conflict" adopted on 28 January 2004

Translocation of Fauna Policy (in draft)

DEH Standard Operating Procedure "Disposal of Fauna/Flora from Monarto Fauna Holding Complex"

10. REFERENCES

Fauna Consultative Committee Task Group on streamlining the permit system for the keeping and trading of native animals November 1998

PERMIT TO TAKE PROTECTED ANIMALS

Section 53, National Parks and Wildlife Act, 1972

Subject to the provisions of the National Parks and Wildlife Act, 1972, and the Regulations and Proclamations made thereunder, the person named below is permitted to take and retain in his possession the protected animal(s) listed in this permit.

**PERMIT
T0000**

Name

Address

Suburb State Postcode

SPECIES OF ANIMAL, QUANTITY AND LOCATIONS APPROVED:

Scientific Name	Common Name	Quantity	Location

CONDITIONS OF PERMIT

1. The permit holder shall comply with the provisions of the National Parks and Wildlife Act, 1972, Regulations and Proclamations.
2. The permit holder shall on any day on which he intends to exercise rights pursuant to this permit, carry the permit on his person and produce the permit on demand.
3. This permit does not authorise the taking of any protected animal or egg of a protected animal on any National Parks and Wildlife reserve or sanctuary constituted or declared under the Act without the written permission of the Director, nor from private, leasehold or other crown land, unless the written consent of the owner has been obtained.
4. The permit holder must give three (3) working days notice before the day or days on which collection will occur. Notification is to be made by contacting the Duty Officer on Tel: 1300 650 411 and quote pager no: 465393. This notification must provide the time, date, specific locations of the proposed collection, vehicle type and vehicle registration details.
5. Permit holders are responsible for the actions of other nominated persons who assist in the collection of the animals.
6. Capture of animals should involve minimal disturbance to the environment.
7. Any animal taken under this permit shall be handled and transported in a manner that complies with all animal welfare requirements or appropriate codes of practice where they exist.
8. The risk of disease transmission to wild populations must be taken into account and appropriate steps taken to clean all materials and equipment used before and after the capture, holding and transport of animals.
9. Any animal taken pursuant to this permit shall not be sold or disposed of without the prior consent of the Director, National Parks and Wildlife SA.
10. The permit holder shall within fourteen days after completion, expiration, revocation or cancellation of this permit deliver to the Director, National Parks and Wildlife SA, a final report, in

writing, of all animals taken pursuant to this permit. The written report must detail the following information; date taken, species name, common name, total number of animals taken, number of males and females, latitude and longitude of collection site, property name, nearest town and name of collectors. A return is required even if there was no collection.

11. This permit will cease to have an effect upon a determination that native title exists in any land or waters covered by this permit to the extent that such a determination affects those lands and waters.

Date Issued: day month year .

Unless cancelled or revoked under the provisions of the above Act this permit shall remain in force until day month year (12 months).

Issuer of Permit:

Fiona Fuhlbohm
Senior Wildlife Officer
Biodiversity Conservation Program

FINAL REPORT ON PERMIT NO.T00000

Permit holder: Name, Address, Suburb, State, Postcode

SPECIES OF ANIMAL, QUANTITY AND LOCATIONS APPROVED FOR PERMIT NO: T00000

Scientific Name	Common Name	Quantity	Location

Note: A return is required even if there was no collection.

1st animal taken

Date _____

Sex _____

Latitude and Longitude of collection site _____

Property Name _____

Nearest Town _____

Name of collector(s) _____

2nd animal taken

Date _____

Sex _____

Latitude and Longitude of collection site _____

Property Name _____

Nearest Town _____

Name of collector(s) _____

3rd animal taken

Date _____

Sex _____

Latitude and Longitude of collection site _____

Property Name _____

Nearest Town _____

Name of collector(s) _____

I hereby state the above information to be true and correct.

Signature: _____ Date: _____

Business process plan

Attachment B

TAKE FROM THE WILD APPLICATION Section 53(1)(d) NPW Act 1972

Applicant

Reject

Send letter and
conditions of
permit

Issue
Permit

Apply

Send
money

Fauna Permit Unit

Receive Application
Confirms endorsements
Makes 4 copies

Receive approvals/rejections
from each Unit/Program
(see footnote)

**Biodiversity
Conservation
Program**

Assess environmental impacts
Assess benefits of take
Add 'conditions of permit' as required

**Animal
Welfare
Unit**

Address animal welfare concerns
Add 'conditions of permit' as required

**Investigations
and Compliance
Unit**

Assess specialist endorsements
Add 'conditions of permit' as required

**Aboriginal
Partnerships**

Provide advice on any matters
relevant to Aboriginal interests

Note: If any officer from Biodiversity Conservation Program OR Investigations and Compliance Unit OR Animal Welfare Unit recommends rejection of the application, it will be rejected. The refusing Unit/Program should provide a letter stating reasons.