



Consultation Regulatory Impact Statement

Reviewing the framework for the management of protected wildlife (animals) in Queensland under the *Nature Conservation Act 1992*

Prepared by: Conservation and Biodiversity Policy, Conservation and Biodiversity Strategy, Department of Environment and Science

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Updated: 6 June 2018

Executive Summary

The conservation and management of *protected animals* in Queensland is regulated under the *Nature Conservation Act 1992* and subordinate legislation. The subordinate legislation includes the Nature Conservation (Wildlife Management) Regulation 2006, the Nature Conservation (Administration) Regulation 2017, and the Nature Conservation (Wildlife) Regulation 2006, collectively referred to as the *Nature Conservation Regulations*. These work in conjunction with conservation plans to establish an integrated and comprehensive State conservation strategy for protecting *native wildlife*. Whilst *native wildlife* includes both plants and animals, this review is focussed solely on animals.

This Consultation *Regulatory Impact Statement* has been prepared by the Queensland Department of Environment and Science (the department) to review the continued need, effectiveness, and efficiency of the *Nature Conservation Regulations*, and to assess the impacts of options to improve the management of *protected animals* in Queensland.

In accordance with the *Statutory Instruments Act 1992* the Nature Conservation (Wildlife Management) Regulation 2006 and Nature Conservation (Wildlife) Regulation 2006 are due to expire on 1 September 2018. Consequently, this review has investigated whether:

- the current regulations should be allowed to expire – removing legislative provisions regulating the *take, keep and use of protected animals*;
- the current regulations should be re-made with no significant amendments; and
- the current regulations should be re-made, with amendments to improve their effectiveness in protecting *protected animals*, and ensuring that the *use of protected animals* is ecologically sustainable.

Allowing expiration of the regulations would result in the inability to issue a range of licences, permits and other approvals for regulating interactions with wildlife, including those for *keeping and using protected animals for recreational purposes* or *commercial purposes*. It would also call into question the legal status of all persons who currently hold one of these licences, permits and other approvals.

Remaking the regulations without significant amendments will result in a framework that continues to seek to meet the objectives of the *Nature Conservation Act 1992*, but will not result in any improvements in how *protected animals* are protected and managed. Consequently, the preferred option is to remake the regulations with amendments.

Identification of the problem

The department has received feedback from government, business and the community identifying a number of problems with the current legislative and licencing framework for *keeping protected animals*. This includes that:

- it is outdated, inefficient and enables *illegal trade*;
- the unregulated *take* of animals from the wild threatens long-term viability of populations; and
- some provisions create unnecessary regulatory burden, are unclear, or are overly complex.

Objectives of government action

In addressing these problems, this review has focussed on the following three objectives:

- modernising the system for *keeping and trading protected animals*;
- strengthening conservation outcomes; and
- streamlining the regulatory framework and reducing administrative burden.

Consideration of options and impact analysis

A number of options have been considered in order to address these problems – focussing on the framework for *commercial wildlife licences* and *recreational wildlife licences*. In addition to analysing the effectiveness of the status quo, these options have also investigated:

- establishing a risk-based licencing framework;
- strengthening record-keeping requirements; and
- restricting unregulated *take* of animals from the wild.

Each option considered has been analysed in relation to its potential impact on business and industry, the government, and the community.

Recommended option

The approach recommended by this impact analysis is that:

- *commercial wildlife licences* and *recreational wildlife licences* be replaced by new licence categories that focus on the number and species of animals that can be kept, and the capacity for trading *protected animals*;
- the fees for the new licence categories reflect cost-recovery to the government for administering the licences and implementing a risk-based proactive compliance approach;
- *records* must be submitted to the department within 24 hours of a *record* event occurring – predominantly through the department's *online system* – replacing the current requirement to just record the event on the day it occurs in a book held by the licence holder; and
- the unregulated *take* of protected scorpions, spiders, and least concern amphibians for *recreational purposes* be replaced by the requirement for a relevant licence, and purchase of the animals from a licenced seller.



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This option is recommended as, of all the options investigated, it best addresses the identified problems with the current framework and achieves the objectives of government action.

The proposed framework is illustrated in Figure A. It will have no impact on activities that are not authorised under commercial or recreational wildlife licences. This includes spotter and catcher work under a Damage Mitigation Permit or rehabilitation licence, fauna relocation services, and the rights of Traditional Owners.

A number of minor administrative and minor policy amendments will also be made to clarify, streamline and simplify regulatory requirements.

Consultation

This *Regulatory Impact Statement* follows initial consultation on a public discussion paper that was released in July 2016. The purpose of the discussion paper was to seek feedback on the current regulation of *protected animals*, to inform the *Regulatory Impact Statement*. The submissions provided overwhelming support for remaking the regulations to achieve the objectives of the review.

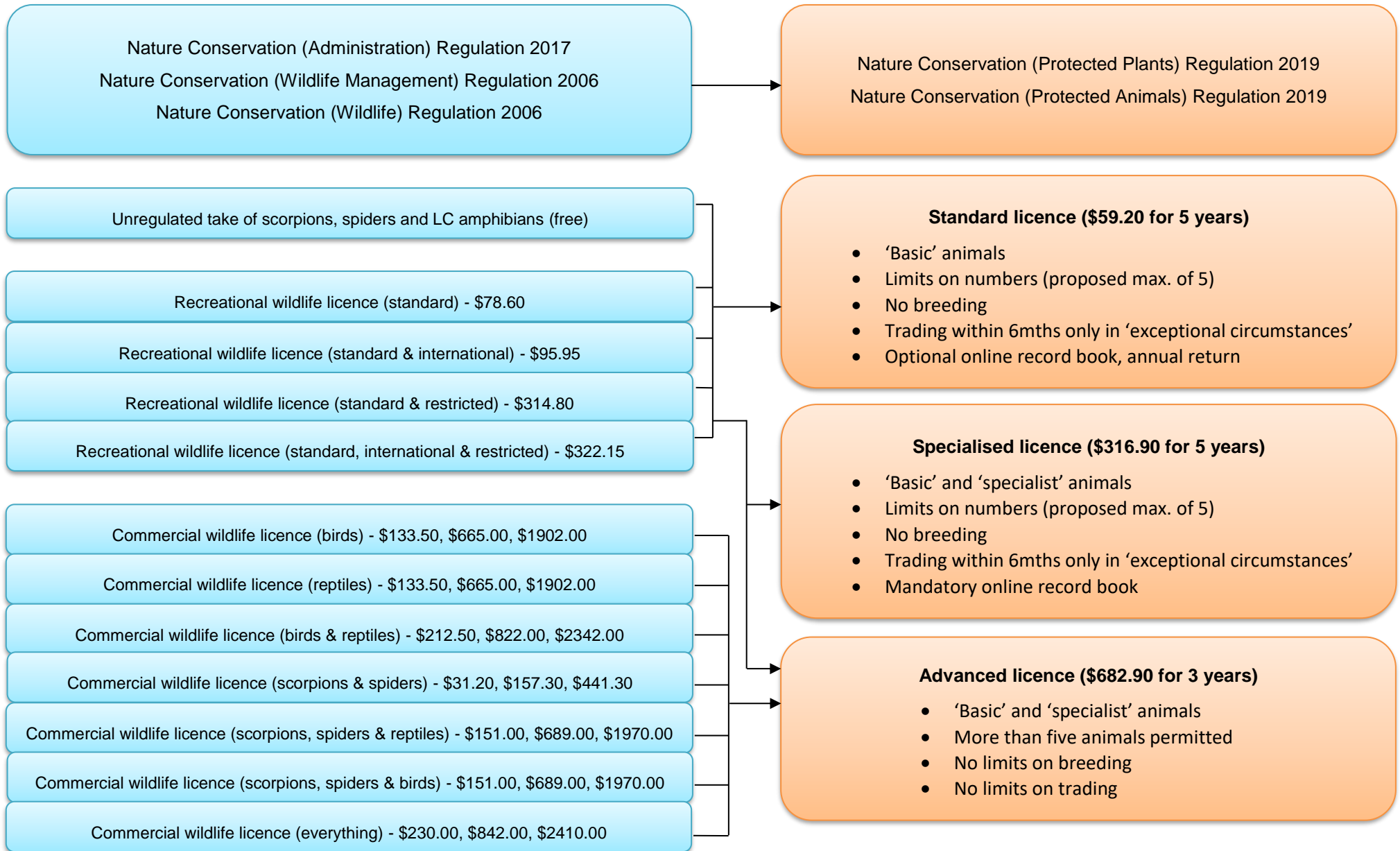
Consistency with fundamental legislative principles

The options proposed under this impact analysis do not breach any fundamental legislative principles under the *Legislative Standards Act 1992*.

Implementation, compliance support, and evaluation strategy

The regulatory framework to support the management of *protected animals* in Queensland is proposed to commence in the second half of 2019. Should the licencing framework change, all existing licence holders will continue to operate under their licence until it expires or they seek a new licence – whichever comes first. The proposed legislation will be reviewed within 10 years of commencement, and the measures that will be used to evaluate improvements and the effectiveness of the framework will be compared against the status quo.

Figure A: Summary of proposed preferred approach



Have your say

Submissions are open until 5:00pm Friday 29 June 2018, and can be made by email or post. Feedback will be used to inform the *Regulatory Impact Statement* process, and provide an informed, objective and transparent basis for decision making.

Electronic submissions:

NC.Act@des.qld.gov.au

Written submissions:

Conservation and Biodiversity Policy

Conservation and Biodiversity Strategy

Department of Environment and Science

GPO Box 2454, Brisbane, QLD, 4001

IMPORTANT NOTE ABOUT CONFIDENTIALITY

In the interests of transparency and to promote informed discussion, the department would prefer submissions to be made publicly available wherever this is reasonable. However, if a person making a submission does not want that submission to be public, that person should clearly note on the front page of the submission that they claim confidentiality in respect of the document.

While the department will endeavour to identify and protect material claimed as confidential as well as exempt information and information disclosure of which would be contrary to the public interest (within the meaning of the *Right to Information Act 2009* (RTI)), it cannot guarantee that submissions will not be made publicly available. There is a possibility that the department may be required to reveal confidential information as a result of a right to information request.

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Introduction

The conservation and management of *protected animals* in Queensland is regulated under the *Nature Conservation Act 1992* and subordinate legislation. The subordinate legislation includes the Nature Conservation (Wildlife Management) Regulation 2006, the Nature Conservation (Administration) Regulation 2017, and the Nature Conservation (Wildlife) Regulation 2006, collectively referred to as the *Nature Conservation Regulations*. These work in conjunction with conservation plans to establish an integrated and comprehensive State conservation strategy for protecting *native wildlife*.

This Consultation *Regulatory Impact Statement* has been prepared by the Queensland Department of Environment and Science (the department) to review the continued need, effectiveness, and efficiency of the *Nature Conservation Regulations*, and to assess the impacts of options to improve the management of *protected animals* in Queensland.

Protected animals are animals that are native to Queensland. This excludes exotic and domestic animals. People interact with *protected animals* in many ways, from keeping animals such as birds and reptiles as pets or for a hobby; to caring for those animals that are orphaned, sick or injured for release back into the wild; or just watching and enjoying animals in the wild. In other instances, there are community and industry expectations to deal with *protected animals* that may damage property or affect human health and safety. *Protected animals* are also used for *commercial purposes*. This includes the wildlife pet industry, crocodile and emu farms, the kangaroo skin and meat industry, the native export industry, and interaction-based tourism such as whale watching.

The *Nature Conservation Regulations* identify how people may interact with native animals in the wild and in captivity. The central regulatory mechanism for managing *protected animals* is the licencing framework. This framework seeks to ensure that impacts on *protected animals* are sustainable in terms of maintaining viable species populations in the wild, that risks to human safety are minimised, and that wildlife-based industries operate under an effective regulatory framework.

The regulation of *protected animals* by the *Nature Conservation Regulations* is the subject of this review.

Glossary

Words in italics in this *Regulatory Impact Statement*, other than legislation or species' names, are defined in the glossary.

The current nature conservation framework

The purpose of the *Nature Conservation Act 1992* is the conservation of nature while allowing for the involvement of Indigenous people in the management of protected areas in which they have an interest under Aboriginal tradition or Island custom.

The Act states a number of ways in which this purpose can be achieved. This includes the protection of *native wildlife* and its habitat, and ensuring that the *use* of protected wildlife is ecologically sustainable. The *Nature Conservation Regulations* assist the State to achieve these outcomes, and thus the purpose of the Act.

The current *Nature Conservation Regulations* and conservation plans work together to protect native animals. They achieve this by:

- Regulating the following actions:
 - *taking a protected animal* (hunting, shooting, killing, luring, injuring, catching, trapping or harming an animal);
 - *keeping a protected animal* (possessing or controlling an animal, in any place); and
 - *using a protected animal* (buying, selling, giving away, processing, moving or gaining benefit from the animal).
- Allowing for permits, licences, and authorities to be granted for:
 - dealing with *protected animals* in the wild;
 - *keeping protected animals* in captivity; and
 - moving *protected animals*.
- Categorising *protected animals* based on conservation status as follows:
 - extinct in the wild;
 - endangered, vulnerable, and *near threatened*; and
 - least concern.

- Categorising *protected animals* for the purpose of *keeping* in captivity as follows:
 - commercial *keep* and *use*;
 - recreational *keep* and *use*;
 - international species *keep* and *use*; and
 - exempt *keep* and *use*.

Rationale for review

Problems with the current framework

The department has identified three core problems with the current framework. These were first identified during consultation on a public discussion paper in July 2016. Feedback from the discussion paper provided overwhelming support for remaking the regulations to address the identified problems. The problems are as follows:

1. the licencing framework for *keeping protected animals* is outdated, inefficient, and enables *illegal trade*
2. unregulated *take* of *protected animals* from the wild threatens the long-term viability of wild populations
3. some provisions create unnecessary regulatory burden, are unclear, or are overly complex
4. requirements for some *commercial protected animal services*, *protected animal* rehabilitation, and dealing with animal breeding places are unclear and not fit-for purpose.

Problem 1: the licencing requirements and record-keeping requirements facilitate illegal trafficking and *trade in protected animals*

Since the last review of the *Nature Conservation Regulations*, *illegal trade* has grown throughout Australia and become a core concern for the conservation and management of *protected animals* in Queensland. Globally, *illegal trade* is one of the most profitable and fastest growing criminal markets, and the industry is estimated to have a value of over US\$20 billion. Australia is a biodiversity hot spot with areas such as the Wet Tropics and the Brigalow bioregions in Queensland containing unique and highly sought after native animals.

Investigations by the Queensland Government and the Australian Criminal Intelligence Commission (formerly the Australian Crime Commission) have identified a number of instances of illegal wildlife trade occurring in Queensland, as summarised in Box One.

Box One: Extract from the Australian Crime Commission Annual Report 2015-16

Our Wildlife and Environmental Crime Team operated between July 2014 and June 2016, collecting intelligence to better understand the nature and extent of serious and organised crime involvement in wildlife and environmental offences...

As a direct result of our team's intelligence on general wildlife trafficking, the former Queensland Department of Environment and Heritage Protection and Queensland Police Service executed six search warrants resulting in the seizure of over 160 protected reptiles including a White-Lipped Python with an estimated value of \$25 000, seven guilty pleas to offences, and three Penalty Infringement Notices issued under the *Nature Conservation Act 1992*.

(Australian Crime Commission 2016, 'Annual Report 2015-16, Chapter 2 Annual performance statement', pp101 to 102. Found: https://www.acic.gov.au/sites/g/files/net1491/f/2016/10/02_acc_ar_2015-16_0.pdf?v=1476248835)

The demand for *protected animals* is usually driven by the desire to own rare or illegal species that no one else has. Particular species are also illegally taken from the wild to enhance personal collections or introduce new breeding stock for recreational or commercial activities. *Illegal trade* threatens the ongoing population viability of rare and *threatened* animals in the wild.

The practice of *illegal trade* also presents serious animal welfare concerns. In many instances the manner in which animals are transported is inhumane. Examples of inhumane trade practices include:

- lizards being taped to restrict movement, and being packed into hollowed-out books or soft toys;
- birds being stuffed into plastic drink bottles;
- snakes being taped to restrict movement and sent via parcel post; and
- eggs being strapped to the bodies of couriers.

Illegally traded animals can die during transit. However, as individual animals can fetch large sums of money, traders are prepared to accept some deaths as part of their business model. This is because the revenue from those that survive can still outweigh the costs of the trader's investment.

Illegal trade also presents biosecurity risks. As traded animals are not subject to any biosecurity checks, there is a risk that they may transmit diseases and pathogens to their new environment. Should these diseases and pathogens then spread, they present risks to the ongoing health of animals and plants in the wild, to people, and to agricultural industries.

According to the Secretary General of the Convention on International Trade in Endangered Species of Wildlife Fauna and Flora (CITES), the illegal trade market in Australia is primarily focussed on the pet trade.

The most significant element of Queensland's framework that enables *illegal trade* is the licencing framework for *keeping and trading protected animals for recreational purposes* (personal enjoyment) or for *commercial purposes*. The investigations by the Queensland Government and the Australian Criminal Intelligence Commission have identified that this licencing framework, including the record-keeping requirements, provides significant loopholes that facilitate the proliferation of *illegal trade*.

The requirements for *commercial wildlife licences* and *recreational wildlife licences* (the licencing framework) do not reflect the popularity of *recreational wildlife licences*. Activities undertaken by *recreational wildlife licence* holders have evolved in recent years. Consequently, the licencing framework has:

- created an opportunity for the establishment of a surrogate wildlife market for *recreational animals*;
- resulted in a licencing framework that does not reflect risk;
- resulted in disproportionate regulation of species relative to other jurisdictions; and
- not resulted in recovery of the department's cost to administer and enforce the framework.

For those keeping *protected animals*, the current *hardcopy system* for trading *protected animals* is outdated for the level of *trade* which occurs in Queensland. This *hardcopy system* also allows licence holders to easily conceal illegal activities.

Problem 2: The unregulated *take* of animals from the wild threatens the long-term viability of wild populations.

The scientific community has raised concerns with the current unrestricted *take* of protected scorpions and spiders, and least concern amphibians from the wild. This has been identified as a threat to their conservation, potentially threatening the long-term viability of regional and localised populations.

Problem 3: some provisions create unnecessary regulatory burden, are unclear, or are overly complex

There are also a number of requirements that could be clarified, streamlined, simplified, or removed in order to remove regulatory burden to ensure the regulations are administered efficiently and effectively.

During consultation on the public discussion paper a number of other issues regarding unclear provisions for *commercial protected animal services*, dealing with animal breeding places and the rehabilitation of sick, orphaned and injured animals were identified. With increases in vegetation clearing in Queensland, demands on land use, and other threats to protected animals such as climate change, there has been growing demand for *commercial protected animal services* to manage impacts to *protected animals* and their breeding places.

Three key issues identified include that multiple authorities are required for *commercial protected animal services*; the inability to comply with animal breeding place provisions; and the rehabilitation of sick, injured or orphaned *protected animals*. These issues are outside of the scope of this *Regulatory Impact Statement*, however they will be addressed in a specific options paper about *commercial protected animal services*, *protected animal* rehabilitation, and dealing with animal breeding places.

Register interest

For further information on this specific options paper, please register interest by contacting the department by email or post, as per the details below:

NC.Act@des.qld.gov.au

Conservation and Biodiversity Policy
Conservation and Sustainability Services
Department of Environment and Science
GPO Box 2454, Brisbane, Queensland, 4001

Urgency for review

Under the *Statutory Instruments Act 1992* most subordinate legislation automatically expires every 10 years and must be either remade or, where no longer required, allowed to expire. Consequently, the *Nature Conservation Regulations* were due to expire in September 2016. However, the *Nature Conservation (Administration) Regulation 2006* was replaced in 2017 with the *Nature Conservation (Administration) Regulation 2017*. This replacement process did not include a comprehensive review of the effectiveness of the framework for regulating *protected wildlife*.

Since initial consultation on the review of *protected animal* management in July 2016, the department identified opportunities to link this review with changes to establish a [common assessment method](#) between state and national legislation for listing the conservation status of species. The states, territories, and Commonwealth have agreed to this approach in order to enable consistency in the classification of species across Australia. More detail about this can be found on the [Queensland Government website](#) and the [Australian Government Department of Environment and Energy website](#).

In order for Queensland to implement this approach, amendments to the *Nature Conservation Act 1992* will be required to establish new classes of wildlife. Once these classes of wildlife are reflected in the Act, consequential changes to the *Nature Conservation Regulations* will be required to allow for the *take, keep, and use* of wildlife under the revised classes.

To avoid the need for two sets of comprehensive regulation amendments within a short period of time, the expiration of the remaining *Nature Conservation Regulations* was delayed to allow consolidated adoption of the outcomes of the *protected animals* review and the common assessment method.

In order to determine the best approach for the future of the *Nature Conservation Regulations*, the department has reviewed the effectiveness of the regulations and investigated options for the future of *protected animal* management. The options investigated are:

- allow the regulations to expire;
- remake the regulations with no changes; and
- remake the regulations with changes to address deficiencies.

Consideration of options

The 'no regulation' option

Whilst this option is referring to allowing expiration of the *Nature Conservation Regulations*, its focus is limited to those provisions relevant to the management of *protected animals*. This is because protected plants and protected areas are out of scope for this review, as discussed in the subsequent section of this impact assessment. Allowing expiration of provisions related to protected plants and protected areas, in addition to those for protected animals, would have greater impacts than those discussed here.

Under the Queensland Treasury guideline – 'The Queensland Government Guide to Better Regulation' – where regulation is expiring, the option of not replacing the regulation must be considered. However, the expiry of the *Nature Conservation Regulations* without replacement would result in the inability to issue a range of licences, permits and other approvals for regulating interactions with *protected animals*, including those for *keeping and using protected animals* for recreational or *commercial purposes*.

If the regulations were allowed to expire, approximately 34,000 *recreational wildlife licence* holders would no longer be able to keep captive-bred native animals, and commercial enterprises would no longer be able to undertake commercial wildlife activities. Besides *commercial wildlife licences* and *recreational wildlife licences*, other approvals that would cease to exist include those for harvesting animals from the wild for *commercial purposes* and *non-commercial purposes*, or for educational or scientific purposes. Businesses and industry groups would no longer be able to remove animals by lethal and non-lethal means to mitigate impacts from *native wildlife* related to public safety, property damage and economic loss. This includes airports in terms of removing animals to reduce the risk of bird strikes for public safety. Further, wildlife carers would no longer be able to keep and care for animals for rehabilitation purposes.

The legal status of *protected animals* lawfully taken from the wild, or lawfully kept prior to the expiry of the regulations would also be uncertain, complex and confusing given that keeping *protected animals* in the future would be prohibited, particularly in relation to interstate animal transactions. Expiry of the *Nature Conservation Regulations* would also result in Queensland failing to fulfil obligations under Commonwealth legislation and international conventions for the conservation of *protected animals*.

The no regulation option presents consequences that are politically, environmentally, economically, and socially unacceptable. For these reasons, it is not considered to be a viable option, and the costs and benefits of this approach were not further investigated.

Remaking the *Nature Conservation Regulations* with no changes

The last comprehensive review of the management of *protected animals* in Queensland was undertaken in 2004. Since then there have been significant improvements in the understanding of *protected animals* and suitable management approaches. Keeping *protected animals* in captivity has also become an increasingly popular hobby, and the *illegal trade* of *protected animals* has increased significantly throughout Australia.

Consequently, the department, community, and business and industry have identified a number of problems with the *Nature Conservation Regulations* – as identified above – that could be resolved through a review of the regulations. While there are benefits to the current *Nature Conservation Regulations*, remaking the existing regulatory framework in its current state does not provide an opportunity to address the identified deficiencies.

Operational approaches to manage the problems

The department has implemented a number of strategies to minimise the effect of these problems. These include a Compliance Strategy and Operational Compliance Plan, which identify how the department will undertake compliance for the wildlife management framework. The department also strategically partners with the Queensland Police Service and Police intelligence analysts in compliance activities, and to gain insight into the regulatory issues associated with the current wildlife management framework.

The learnings from these operational approaches have informed the options presented in this impact analysis.

Remaking the *Nature Conservation Regulations* with changes

The preferred approach is to remake the *Nature Conservation Regulations*, with amendments that address the identified problems. A detailed explanation of the problems that will be addressed, and options to address them, are described in further detail in the subsequent sections of this impact assessment.

Out of scope

This review does not include linkage with any Commonwealth legislation or requirements for *protected animals*¹. In addition, a number of elements of the *Nature Conservation Regulations* are not included within this review.

Protected plants

Besides a proposal to split the management of plants and animals into a single regulation for plants and a single regulation for animals (refer to the detail in 'Problem 3'), the existing regulation for protected plants will not be considered as part of this review.

¹ For more detail on this, refer to www.environment.gov.au/biodiversity

The management of protected plants outside of protected areas, such as national parks, has been reviewed by the department in recent years, and the department recently commenced a review of the existing protected plants framework as part of an on-going policy improvement program. Further detail on this review, and any consultation opportunities, will be advised through the department's website.

Koalas

A review of the Nature Conservation (Koala) Conservation Plan 2017 is being undertaken in conjunction with the broader review of koala conservation policies in response to the recommendations made by the Koala Expert Panel. Further information on this review is available on the department's website.

Macropods

The Nature Conservation (Macropod) Conservation Plan 2017 was recently reviewed and remade in 2017 through a separate process.

Protected areas

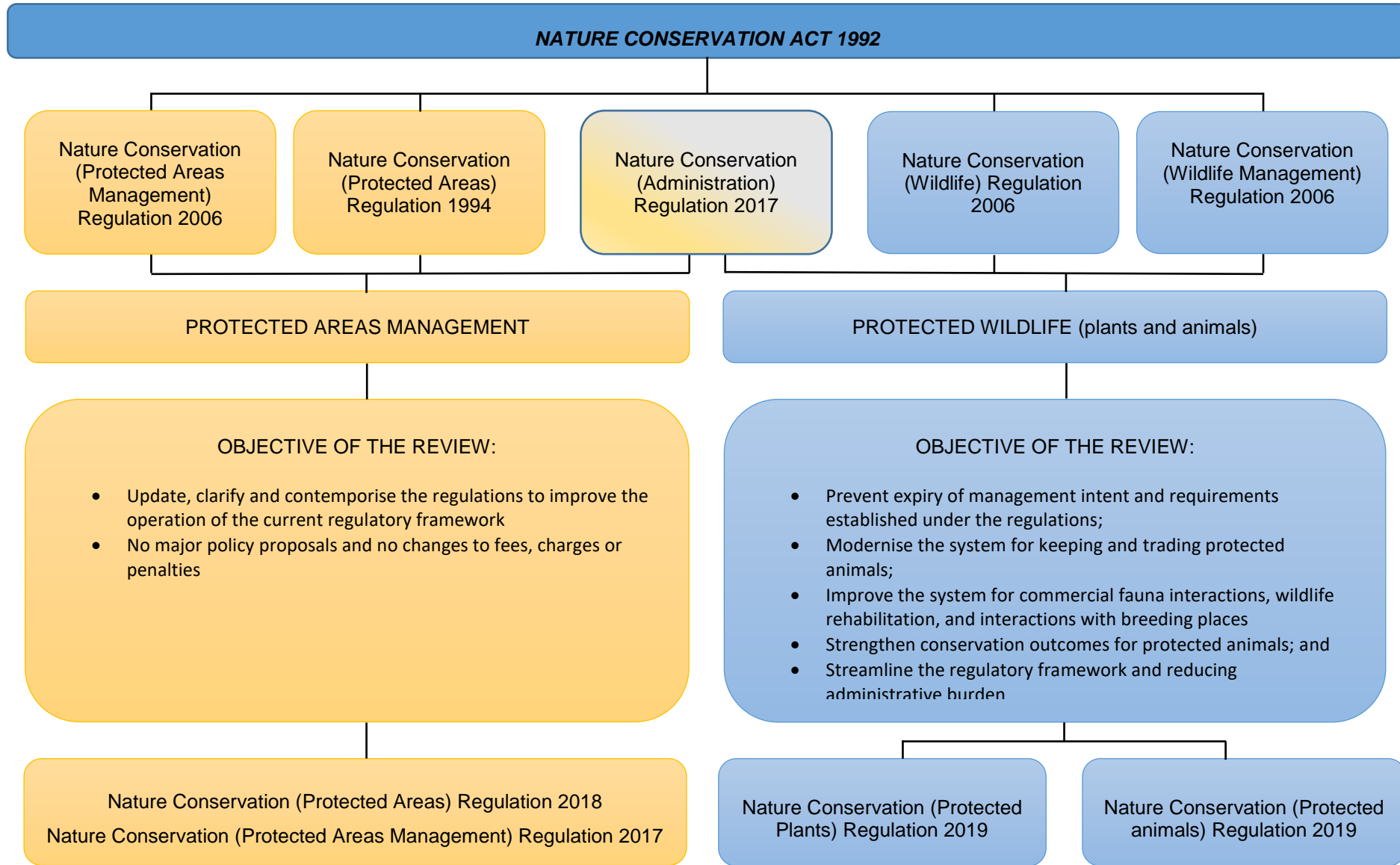
The department also has a commitment to review the management of protected areas under the Nature Conservation (Protected Areas Management) Regulation 2017, and parts of the Nature Conservation (Administration) Regulation 2017. The purpose of the review will be to update, clarify and contemporise the regulations to improve the operation of the current regulatory framework.

A separate impact assessment will be prepared for the protected areas review.

The linkage between the protected areas review and the protected wildlife review is illustrated in Figure 1.



Figure 1: linkage between the protected areas and protected wildlife reviews



Objective of government action

The objective of government action is to better achieve the objective of the *Nature Conservation Act 1992*, by improving the protection of *protected animals*, and ensuring that the *use of protected animals* is ecologically sustainable.

In order to achieve this, the objective in remaking the *Nature Conservation Regulations* is to address the identified problems by:

- modernising the system for *keeping and trading protected animals*;
- strengthening conservation outcomes; and
- streamlining the regulatory framework and reducing administrative burden.

The alignment of these objectives with the identified problems is summarised in Box 1.

With the exception of Problem 4, which is being addressed in a separate paper, further background on each of these problems, potential options for their resolution, and an impact analysis for these options is provided in subsequent sections.

Box 1: Alignment of objectives of review and identified key issues

Objective of review	Identified problem
Prevent expiry of management intent and requirements established under the Regulations	Problems 1 to 3.
Modernising the system for <i>keeping and trading protected animals</i>	<ul style="list-style-type: none"> • Problem 1: the licencing framework for keeping <i>protected animals</i> is outdated and inefficient and enables <i>illegal trade</i>
Strengthening conservation outcomes	<ul style="list-style-type: none"> • Problem 1: the licencing framework for keeping <i>protected animals</i> is outdated and inefficient and enables <i>illegal trade</i> • Problem 2: unregulated <i>take</i> of animals from the wild threatens the long-term viability of wild populations
Streamlining the regulatory framework and reducing administrative burden	<ul style="list-style-type: none"> • Problem 1: the licencing framework for keeping <i>protected animals</i> is outdated and inefficient and enables <i>illegal trade</i> • Problem 3: minor administrative amendments can be made to reduce regulatory burden and simplify requirements

The following sections of this RIS looks at each of the three problems addressed in this impact analysis:

1. The licencing framework for *keeping protected animals* is outdated and inefficient and enables *illegal trade*.
2. Unregulated *take* of animals from the wild threatens the long-term viability of wild populations.
3. Minor administrative amendments can be made to reduce regulatory burden and simplify requirements.

For each problem, an analysis is presented of the current arrangements followed by an analysis of options to address the problem and an assessment of the likely impacts from these options.

Problem 1: Outdated and inefficient licencing framework for *keeping protected animals*

The problem of an outdated and inefficient licencing framework for *keeping protected animals* is comprised of two issues:

1. the licencing framework is not risk-based; and
2. record-keeping requirements enable *illegal trade*.

Issue 1 focusses on the licencing system and options to adopt a new risk-based licencing system that is complemented by a proactive compliance model. Issue 2 focusses on the record-keeping system for licenced activities and options to strengthen the record-keeping requirements. The new licences, a proactive compliance program, and strengthened record-keeping requirements work together to enhance the department's compliance capacity against *illegal trade*.

Issue 1 – The licencing framework is not risk-based

Background

The licencing framework establishes categories for how *protected animals* may be kept and used. In most cases, a licence or permit is required to *keep protected animals*. The two most common licences are the *commercial wildlife licence* and the *recreational wildlife licence* – explained further below. The main exception to the need for a *commercial wildlife licence* or a *recreational wildlife licence* to *keep and use* animals is where an animal is listed under the framework as an *exempt animal*.

Current situation

Commercial wildlife licence

A *commercial wildlife licence* allows businesses to *keep and use* (buy and sell) *protected animals* for gain or reward. For example, a *commercial wildlife licence* holder (such as a pet shop) may sell *protected animals* to a *recreational wildlife licence* holder. A *commercial wildlife licence* only allows the *keep and use* of animals listed as *commercial animals*. These are animals that are commonly kept and traded, and includes:

- 60 species of birds;
- 17 species of reptiles; and
- spiders and scorpions.

As at 30 June 2017 there are 30 *commercial wildlife licence* holders. Based on the number of licences issued between the 2012-13 and 2016-17 financial years, an average of 101 licences are issued per year.

Recreational wildlife licence

A *recreational wildlife licence* allows a person to *keep and use* (buy and sell) *protected animals* for personal enjoyment. *Recreational wildlife licence* holders may buy and sell animals as long as the activity is not a *commercial purpose* (i.e. the trading is not for gain or reward). A *recreational wildlife licence* allows the *keep and use* of *recreational animals*. This is a larger list of animals than those permitted under a *commercial wildlife licence*.

Recreational animals include:

- 107 species of bird – 47 more than permitted under a *commercial wildlife licence*;
- all reptiles with the exception of sea turtles and crocodiles;
- spiders and scorpions; and
- captive-bred amphibians.

However, some animals, particularly some bird species, permitted to be kept for recreational purposes in other States remain prohibited in Queensland.

Recreational wildlife licences also provide the capacity for licence holders, for an extra fee, to *keep and use* (buy and sell):

- *international animals*, which are green pythons and eclectus parrots; or
- *restricted animals*, which are animals requiring specialised skills to ensure animal health and welfare, or to ensure public safety. This category of animals includes venomous snakes.

As at 30 June 2017 there are currently 33,721 *recreational wildlife licence* holders. Based on the number of licences issued between 2012-13 and 2016-17 financial years, an average of 7,698 are issued per year.

Problems with the current licencing system

The requirements for *commercial wildlife licences* and *recreational wildlife licences* (the licencing framework) do not reflect the popularity of *recreational wildlife licences*, and that the practices of licence holders have evolved beyond that originally envisioned when the licencing framework was drafted. This includes the establishment of sophisticated private collections, increased popularity for keeping some species – particularly reptiles, and popularity of trading animals between *recreational wildlife licence* holders. Consequently, the licencing framework has:

- created an opportunity for the establishment of a surrogate market for *recreational animals*;
- resulted in a licencing framework that does not reflect risk; and
- resulted in disproportionate regulation of species relative to other jurisdictions.

The outdated requirements with the current system have resulted in a framework that enables the proliferation of *illegal trade*. For Queensland to better manage the risks to *protected animals* posed by *illegal trade* it is imperative that the outdated requirements of the current system are addressed.

Surrogate wildlife market for *recreational animals*

Recreational wildlife licences are intended for persons that are not *keeping protected animals* for *commercial purposes*. However, the Australian Criminal Intelligence Commission (formerly the Australian Crime Commission) has found evidence of extensive animal collections – including in Queensland – which are kept under a *recreational wildlife licence*, but on account of the size of the collection, the animals in possession, and linkages with wildlife traders are likely used for a *commercial purpose*.

Recreational wildlife licence holders who undertake activities that are commercial in nature should instead be operating under a *commercial wildlife licence*. However, the animals commonly traded in the recreational market are not available to *commercial wildlife licence* holders. Because *recreational wildlife licence* holders are permitted to *keep and use* a wider variety of species than *commercial wildlife licence* holders, a surrogate market has developed over the past 10 years to provide trading opportunities for *recreational wildlife licence* holders, particularly given the increasing popularity of keeping reptiles as pets.

For example:

Compared to commercially available reptiles, which typically have a retail price of \$100 – \$300, there are a number of highly desirable snakes and lizards that have a trading price of \$1000 – \$10,000 or more and can only be kept for 'recreational' purposes. A successful breeder of these species may produce greater revenue from fewer trades than a commercial operator.

In most instances, given the keeping expenses and limited requirements for recording transactions (e.g. under the taxation system) it is currently not possible to determine if someone is profiting financially from this type of trade.

Licence framework not based on risk

The department has a *Regulatory Strategy* that requires the department to focus on monitoring performance, and responding to performance using a risk-based approach. The *Regulatory Strategy* outlines the long-term vision for the department's regulatory, compliance, and enforcement activities.

Under the *Nature Conservation Regulations*, *recreational wildlife licence* holders can *keep and trade* more animals than a *commercial wildlife licence* holder, such as a pet shop. However, *commercial wildlife licences* are subject to higher fees, as the framework when drafted, envisioned that the majority of trade would occur through commercial operators.

Recreational wildlife licences can be obtained for up to five years for a fee ranging from \$78.60 up to \$332.15 for keeping restricted (e.g. venomous) and *international animals*. *Commercial wildlife licences* can only be obtained for a period of up to three years, and are subject to a fee of between \$31.20 and \$2,410.00, depending upon the duration of the licence and the animals that will be kept. This is shown in Table 1.

Table 1: Current licence types and fees for *keeping* and trading *protected animals*²

Licence type	Animals	Current fees (\$)		
		<1 month	1 month–1 year	1–3 years
<i>Commercial Wildlife Licence</i>	Commercial and Controlled:			
	Birds	133.50	665.00	1902.00
	Reptiles	133.50	665.00	1902.00
	Birds & reptiles	212.00	822.00	2342.00
	Scorpions & spiders	31.20	157.30	441.30
	Scorpions & spiders & reptiles	151.00	689.00	1970.00
	Scorpions & spiders & birds	151.00	689.00	1970.00
Everything	230.00	842.00	2410.00	
Licence type	Animals	Current fees (\$)		
		5 years		
<i>Recreational Wildlife Licence</i>	Standard	78.60		
	Standard & International	95.95		
	Standard & Restricted	314.80		
	Standard & Restricted & International	332.15		

Currently the annual revenue received from licence fees for *commercial wildlife licences* and *recreational wildlife licences* is approximately \$0.84 million.

The current fee structure is based on the concept that commercial activities require greater compliance. However, due to the increased popularity in recreational *keeping* and the number of these licence holders *trading*, the department undertakes more compliance investigations for these licence holders than for *commercial wildlife licence* holders. This compliance cost is not reflected in the licence fees for *recreational wildlife licence* holders.

The compliance focus on *recreational wildlife licence* holders is reflective of:

- the relative proportion of *recreational wildlife licences* to *commercial wildlife licences*, as over 98% of the licences are for *recreational purposes*; and
- information received by the department (for instance from public complaints or law enforcement bodies) in relation to potentially non-compliant *recreational wildlife licence* holders.

This approach costs the department approximately \$0.57 million per annum, and allows the physical inspection of approximately 300 licence holders per year, full administration of *movement advices* and returns and 100% check of online licences. On top of this standard compliance cost, approximately four cases per year are subject to further examination and investigation, at an estimated annual cost of \$0.03 million per annum.

Detail on the costs and revenue from the current licence framework is provided in Attachment 1, whilst a summary is provided in Box 2.

The department's *Regulatory Strategy* requires the department to focus on the proactive monitoring of performance to better respond to performance issues, which includes taking strong, proportionate, and consistent enforcement action. Proactive compliance would require an increased and planned compliance presence.

² Fees change annually, in line with changes in consumer price index (CPI)

Box 2: Summary of costs and revenue under current licence framework

As the number of licences issued per year has been relatively consistent between the 2012-13 and 2016-17 financial years, an average number of licences issued per year has been used. It is not anticipated that the number of licences issued per year into the future will vary significantly from the average used in these calculations.

Total average licence revenue per year

Licence type	Fee per licence	Average no. issued per year	Average annual revenue
<i>Recreational wildlife licence</i>			
• Standard	\$78.60	7236	\$0.569M
• Restricted	\$314.80	154	\$0.050M
• International	\$95.95	308	\$0.030M
Total			\$0.649M
<i>Commercial wildlife licence</i>	\$2057.00	101	\$0.195M
Total annual average revenue			\$0.843M

Note: The commercial fee is based on an average of the range of commercial fees

Total average licence assessment cost per year

Licence type	Average assessment (hrs/licence)	Cost per average assessment (\$50/hr)	No. licence issued (average per year)	Total cost
Recreational – standard & international	0.5	\$25.00	7544	\$0.189M
Recreational – restricted	4	\$200.00	154	\$0.031M
Commercial	8	\$400.00	101	\$0.040M
TOTAL COST				\$0.260M

Total average compliance cost per year

Audit type	\$/AUDIT	No./year	TOTAL (\$)
Administrative reviews – movement advices/returns	16.70	15600	\$0.261M
Compliant inspections (85% of licences keeping < 5 animals)	750.00	127	\$0.096M
Compliant inspections (15% of licences keeping > 5 animals)	1000.00	23	\$0.022M
Non-compliant inspections (85% of licences keeping < 5 animals)	1150.00	127	\$0.147M
Non-compliant inspections (15% of licences keeping > 5 animals)	1950.00	23	\$0.044M
TOTAL COST PER YEAR (CURRENT ANNUAL COMPLIANCE)			\$0.570M
Detailed investigations			
Non-compliant audited licensee requiring detailed investigation	7596.00	4	\$0.030M

Total average annual revenue and costs

Annual average fee revenue	Annual average assessment cost	Annual average compliance cost	Annual average investigation cost	Difference (revenue less cost to department)
\$0.843M	\$0.260M	\$0.570M	\$0.030M	-\$0.017M

Record-keeping and compliance risk

Unlike *commercial wildlife licence* holders, *recreational wildlife licence* holders are not required to submit information to the department in relation to the animals they are *keeping*. This information includes details such as births, deaths, purchases, sales, and the giving away of animals. This information is important as it supports the monitoring of animal breeding and transactions, including animal *movement* and *trade*.

The current record-keeping system in general creates loopholes that allow both *commercial wildlife licence* and *recreational wildlife licence* holders to engage in *illegal trade*, without easily being detected. This is outlined in more detail in Issue 2.

Disproportionate regulation of species

The variety of species that can be kept under an authority has not been reviewed for over ten years and is outdated when compared to most other Australian jurisdictions. In particular, bird species that can be kept in Queensland are limited compared to the range of species that are commonly traded in most other jurisdictions. This includes, for example, red-backed fairy-wrens and blue-faced honeyeaters.

Key stakeholders have continued to raise this issue with the department stating that the current framework is unreasonable compared to legislative standards seen in other parts of Australia.

Furthermore, there are species that are now over or under regulated in response to changing trends in the native pet industry. Since the regulations came into effect:

- a number of species are now more popular and readily available in the recreational pet market, and
- other states have revised their native animal *keeping* restrictions – allowing the keeping of some animals currently not permitted in Queensland.

This has the potential for *protected animal* keepers to deliberately or inadvertently breach Queensland's licencing framework when moving to Queensland from interstate, or conducting interstate wildlife transactions. It also creates a perverse incentive for those people who passionately wish to keep these prohibited animals, as in the absence of lawful means for possession, they may seek to take them from Queensland's wild populations.

In addition, species lists need to reflect new species discoveries and the lack of scientific knowledge of certain species. For example, newly discovered least concern reptile species are currently not available in the pet industry. Current drafting of the regulations implies that these animals may be kept, which is an unintended outcome. In some circumstances there will be a need to exclude some of these animals from the wildlife market as their populations will be placed at risk if the animals are taken from the wild. This includes circumstances where a species has a restricted range, or further investigation of the species is required to determine if it should be listed as a more threatened species.

Proposed options to address Issue 1

The following options have been investigated to address the problems identified with the licencing framework:

- **Option 1:** status quo
- **Option 2:** modernised framework (greatest ability to reduce *illegal trade*)
- **Option 3:** modernised framework (lowest ability to reduce *illegal trade*)
- **Option 4:** modernised framework (partial ability to reduce *illegal trade* – limited to high risk animals)

Option 1 – status quo

Option 1 proposes to retain the status quo by retaining the existing licencing framework for *keeping* and *trading protected animals*, as described above.

Options 2 to 4 – risk-based licencing

Options 2 to 4 aim to strengthen conservation outcomes for *protected animals* by better regulating *trade* of animals and establishing a modernised risk-based licencing system that is aligned with the department's *Regulatory Strategy*.

They achieve this through:

1. Revising the lists of species permitted to be kept to:
 - create a simplified approach that removes arbitrary differences on *keeping* animals for a *commercial purpose* or *recreational purpose*;
 - provide consistency with other jurisdictions; and

- reflect new species discoveries and the appropriateness of *keeping* and *using* these species.
- 2. Changing the licence types to:
 - remove the differentiation between *commercial purposes* and *recreational purposes*; and
 - focus on managing risks associated with trading *protected animals*, and public safety.
- 3. Re-structuring the licence fees to reflect:
 - the new licence types; and
 - establishment of a pro-active risk-based performance and compliance response program in accordance with the department's *Regulatory Strategy*.

1. Proposed listing of animals

The proposed listing (scheduling) of *protected animals* that may be kept under different licences will be simplified, and will remove the distinction between *commercial purposes* and *recreational purposes*. The changes will:

- transition some birds that are currently regulated into the exempt category. This has been based on assessment criteria such as conservation status, market availability, and specialised keeping requirements;
- remove water buffalo from the *farm animal* category as it is an exotic species which should be solely regulated under *Biosecurity Act 2014*;
- replace five categories of animal (controlled, recreational, restricted, international, and commercial) with just two – class 1 and class 2; and
- introduce a new prohibited category of animal.

The new categories of class 1, class 2, and prohibited are explained further below, and the proposed scheduling of *protected animals* is provided in Attachment 2.

Class 1 animals

Class 1 animals will be comprised of those *protected animals* that *commercial wildlife licence* or *recreational wildlife licence holders* can currently *keep* and *trade* in Queensland. This class will however be limited to species that do not:

- require specialised keeping skills;
- pose a public safety risk in the event of an escape; and
- threaten the conservation of wild populations.

Class 2 animals

Class 2 will consist of animals that meet at least one of the following criteria:

- are not commonly kept and traded in Queensland;
- require specialised keeping skills;
- pose a risk to public safety in the event of escape; or
- may be targeted by illegal *take* activities because of their attractiveness or rarity.

The list will include most amphibian species, dangerous/venomous snakes, certain *threatened* and *near threatened* reptiles, and certain birds currently listed as *recreational animals* and *restricted animals*. Current codes of practice and policies under the *Nature Conservation Regulations* for the keeping and husbandry of these animals will continue to apply, particularly for those that are categorised as dangerous (i.e. venomous snakes).

This list will also include certain bird species lawfully kept in other states and territories that are currently not permitted in Queensland. The additional bird species will be limited to those that are also commonly kept in other Australian jurisdictions. To supply the additional demand of species available to the pet trade market, these additional bird species will not be permitted to be taken from wild populations within Queensland's borders. This will ensure the continued protection of Queensland's native animals from harvesting pressures.

Prohibited animals

These will be animals that are not permitted to be kept under a conventional wildlife keeping licence. The prohibited category will include, for example, native mammals, certain *threatened* reptiles and amphibians, and newly discovered least concern reptile species that are currently not available in the pet industry and which could only be sourced from wild populations.

A '*Permit to keep wildlife*' would be made available in instances where the department considers the *keep* of a prohibited animal acceptable, such as a rehabilitated animal that cannot be returned to the wild.

2. Proposed licences

As shown in Table 1 above, there are currently seven types of *commercial wildlife licence* and four types of *recreational wildlife licence*.

It is proposed to replace these eleven types of licence with three licence types, as follows:

- a **standard licence** – allowing small-scale hobbyists to keep class 1 *protected animals* exclusively for the purpose of personal enjoyment;
- a **specialised licence** – allowing small-scale hobbyists to keep class 1 and class 2 *protected animals* exclusively for the purpose of personal enjoyment; and
- an **advanced licence** – allowing individuals and businesses to undertake larger scale keeping operations, providing them with a high level of access and trading ability for all class 1 and class 2 animals. All commercially licenced activities (e.g. pet shops) fit within the scope of this licence.

The proposed licencing approach, in conjunction with the proposed classes of animals is depicted in Figure 2. The ‘compliance risk’ in this figure refers to the risk-based approach required by the *Regulatory Strategy*, and is linked both to the likelihood of *trading* animals and the risk to the public posed by the species that are kept.

ANIMAL TYPE ACTIVIY TYPE	EXEMPT ANIMALS	CLASS 1 ANIMALS	CLASS 2 ANIMALS
	<ul style="list-style-type: none"> • commercially abundant • commonly kept as pets • simple to keep • no conservation risk • very low poaching threat 	<ul style="list-style-type: none"> • market availability • not commonly kept • simple to keep • low conservation risk • low poaching threat 	<ul style="list-style-type: none"> • low market availability • conservation risk • requires specialised keeping skills • risk to public safety • susceptible to poaching
Primary intent to keep for personal enjoyment	No licence required (very low compliance risk)	<i>Standard licence</i> (low compliance risk)	<i>Specialised licence</i> (moderate compliance risk)
Primary intent to trade and breed	No licence required (very low compliance risk)	<i>Advanced licence</i> (high compliance risk)	<i>Advanced licence</i> (very high compliance risk)

Figure 2: Proposed risk-based approach for keeping protected wildlife³

Under Options 2 to 4, there will be no changes to existing requirements for other wildlife licences and permits, such as a rehabilitation permit and *wildlife farming licences*.

Under all three options, a person with a *standard licence* or *specialised licence* will not be permitted to:

- breed their class 1 or class 2 animals, and any offspring or eggs arising from inadvertent breeding must be disposed of in a humane manner; and
- *trade* an animal, unless the person has kept that animal for a period of at least six months.

Where a *standard licence* or *specialised licence* holder wishes to breed, or to *trade* within six months of obtaining an animal, the licence holder can do so provided the licence is surrendered and an *advanced licence* is obtained.

³ Note: Prohibited animals are not permitted under these licence categories

As with the current framework, licence surrender will also remain an option where a person no longer wants to keep the animals permitted under a *standard licence* or *specialised licence*, or where unintentional breeding has occurred. In this instance, all class 1 and class 2 animals kept under that licence must also be surrendered – for example, to the department.

However, under these options provisions will also be made to allow a person to apply for permission to trade in exceptional circumstances. This will include where:

- there has been accidental breeding, and the licence holder does not wish to dispose of the offspring or eggs in a humane manner or seek an upgraded licence that allows keeping of the offspring or eggs; and
- a person needs to get rid of their animal and they have held it for less than six months.

Under all three options *advanced licence* holders will have access to the same type of animals as *standard licence* and *specialised licence* holders, but without the imposition of breeding and trading restrictions. Restrictions may however be imposed, as per the current operational approach, on:

- the total number of animals a person is permitted to possess; or
- the number of a specific type of animal a person is permitted to possess (e.g. a maximum number of venomous snakes)

Options 2 to 4 only vary in relation to the requirements for *standard licences* and *specialised licences*. These variations are based on the number of animals permitted to be owned under one of these licences. These requirements are in addition to the breeding and trading restrictions identified above. The differences between the licences in each of the options are explained below.

- **Option 2 - modernised framework (greatest ability to reduce *illegal trade*)**

Under Option 2, a *standard licence* will restrict the licence holder to keeping a maximum of five class 1 animals. A *specialised licence* will be similarly restricted, allowing a maximum of five animals – comprised of any combination of class 1 and class 2 animals. Under this option the proposed configuration of standard, specialised and *advanced licences* provides the greatest restrictions on the potential for the *illegal trade* and poaching of *protected animals*.

- **Option 3 - modernised framework (lowest ability to reduce *illegal trade*)**

Under Option 3 the number of class 1 animals that can be kept under a *standard licence* will reflect any maximum limits on animals currently imposed on licences. Similarly, there will be only this restriction on the number of class 1 and 2 animals that can be kept under a *specialised licence*.

- **Option 4 - modernised framework (partial ability to reduce *illegal trade* - limited to high risk animals)**

As with Option 3, Option 4 will allow keeping of class 1 animals under either a *standard licence* or *specialised licence* up to any maximum limits on animals currently imposed on licences. However, a *specialised licence* will restrict the number of class 2 animals that can be kept. Under this option, a maximum of five class 2 animals may be kept.

3. Proposed fee structure

The proposed fee structure will reflect the cost of undertaking a responsive and proportionate compliance program that is consistent with the department's *Regulatory Strategy*.

The proposed fee structure achieves cost recovery on a compliance model that better reflects a risk-based approach relative to the status quo. This approach applies a proportionate audit frequency for lower and higher risk licenced activities under Options 2, 3 and 4. Under this model, regardless of the option, on a per annum basis:

- an internal analysis will be undertaken on all online *standard licences*, and an on-site inspection will occur on approximately 2% of licences;
- an internal analysis will be undertaken on all *specialised licences*, and an on-site inspection will occur on approximately 10% of licences; and
- an internal analysis will be undertaken on all *advanced licences*, and an on-site inspection will occur on 15% of licences.

This approach does not prevent the department from undertaking reactive compliance activities, however these costs are not built into the proposed fees.

Table 2 below shows that the proposed licence fee and term of licence is consistent across Options 2 to 4.

Table 2: Proposed licence fee and term of licence for Options 2, 3 and 4

Licence type	Animals permitted	Fee	Term of licence
Standard	Class 1	\$59.20	5 years
Specialised	Class 1 and 2	\$316.90	5 years
Advanced	Class 1 and 2	\$682.90	3 years

As with the current licence fees, it is anticipated that the proposed fees identified in Table 2 will vary annually in line with fluctuations in CPI.

Further information outlining the development of the proposed fee structure is provided in Attachment 1.

Jurisdictional comparison

The proposed licencing fees are consistent with the licencing frameworks in other Australian jurisdictions, as illustrated in Table 3. This shows that the *standard licence* and *advanced licence* fees are less than or equal to the fee imposed in four of the seven comparison jurisdictions, whilst the *specialised licence* fees are less than or equal to the fee imposed in three of the seven comparison jurisdictions. Tasmania and the Northern Territory don't impose any fees for animal keeping activities, and this approach has been identified by the Australian Criminal Intelligence Commission as a point of concern for incentivising *illegal trade*.

Attachment 3 provides further detail about how other jurisdictions regulate interactions with animals that are wildlife.

Table 3: Jurisdictional comparison of wildlife licence fee structures

JURISDICTION	COST/LICENCE (\$)		
	STANDARD LICENCE (state & territory equivalent – 5 year term)	SPECIALISED LICENCE (state & territory equivalent – 5 year term)	ADVANCED LICENCE (state & territory equivalent – 3 year term)
QLD	\$59.20	\$316.90	\$682.90
NSW	\$50 – 157.50	\$300	\$2400
VIC	\$476.35	\$881.65	\$2395.11
SA	\$350	\$615	\$5295–\$7580
WA	\$150	\$500- 1000	\$1500
ACT	\$16.90 – 43.10	\$44 – 270.20	\$44 – 270.20
NT	No fee	No fee	No fee
TAS	No fee	No fee	No fee

Impact assessment

Assumptions

Licences issued per year

As the total number of licences issued per year has remained relatively consistent across the last five financial years, it is assumed that the number of licences issued per year under the proposed options will also remain consistent with current licencing rates.

Effect on *recreational wildlife licence* holders

As outlined above, the department does not currently request information from *recreational wildlife licence* holders in relation to the number and species of animals that are kept – including whether they possess any that present a risk to public safety.

In order to estimate what proportion of licence holders meet these categories, departmental wildlife officers and compliance and enforcement officers provided estimates based on:

- information the department receives through mandatory reporting – such as *movement advices*, which are *records* of animal *movement* and *trade* between two locations;
- audits undertaken of licence holders' *record books*; and
- large-scale coordinated compliance and enforcement programs – such as programs through the Australian Criminal Intelligence Commission.

Based on this data, it is assumed for the purpose of this impact analysis that in relation to *recreational wildlife licence* holders:

- 98% *keep* commercially available, easy to keep, non-dangerous animals;
- 2% *keep restricted animals* (e.g. dangerous);
- 85% *keep* five animals or less;
- 5% *keep* more than five animals, but less than or equal to 10; and
- 10% *keep* more than 10 animals.

Effect on *commercial wildlife licence* holders

The department does not have data on the duration or number of *commercial wildlife licences* issued for each of the seven *commercial wildlife licence* categories. Consequently, this cost-benefit analysis assumes that all *commercial wildlife licence* holders have a 'one to three year' licence based on the average fee for the various wildlife combinations. The average cost of a 'one to three year' *commercial wildlife licence* is \$2,057.

Compliance program

As with the current cost of compliance auditing, for the purpose of this cost-benefit analysis it is assumed that, on average:

- a desk-top analysis of licence compliance will cost the department, on average — \$150 for *standard* and *specialised licences*, and \$200 for *advanced licence*; and
- a site-based audit for a licence will cost the department — \$1,150 for a *standard licence* (only when further action required), \$950 to \$1,400 for a *specialised licence*, and \$1,050 to \$1,950 for an *advanced licence*.

The detailed working to arrive at these cost assumptions is provided in Attachment 1 – Table 14.

Business and industry

Benefits

Option 1 maintains the current *commercial wildlife licence* requirement for business and industry. The benefit of maintaining the status quo is that it will allow commercial operators to continue to operate within a familiar regulatory environment. This will negate the need to invest time, energy and resources in adjusting to new arrangements.

The benefits to industry are consistent across Options 2 to 4. This is because the variation in Options 2 to 4 only impact on persons who currently hold a *recreational wildlife licence*.

Options 2 to 4 resolve the complexity of distinguishing between recreational and commercial activities. These options apply an equitable regulatory structure to all persons and businesses wanting to *keep* and *trade protected animals* in captivity. Business and industry will consequently benefit from the capacity to *keep* and sell an increased range of species, and expand their operations into the surrogate market currently operated by *recreational wildlife licence* holders.

The *advanced licence* also removes the regulatory burden of seven categories of licence and the three periods of licence validity. The establishment of a single licence fee for an *advanced licence* for three years is estimated to result in savings to the commercial wildlife sector of \$0.139 million per year. This is illustrated in Table 4. This estimate is based on *commercial wildlife licence* holders paying \$682.90 for an *advanced licence* instead of \$2,057 for a *commercial wildlife licence* for a period of one to three years. The fee of \$2,057 is the average fee for the seven licence categories for the 'one to three year' licence term.

Table 4: Projected transition of current licences to an *advanced licence*

Licences that would be required to transition from ' <i>Commercial Wildlife Licence</i> ' to ' <i>Advanced Licence</i> '							
Option	No. of licences/year (average)	Current \$/licence (average)	Current cost to business	Proposed \$/licence	Reduction \$/licence	Total estimated cost to business	Savings relative to status quo
OPTION 2, 3 & 4	101	\$2,057	\$0.208M	\$682.90	\$1,374.10	\$0.069M	\$0.139M

The maximum saving for an individual business is estimated to be \$1,727.10. This estimate is based on the business having a 'one to three year' licence allowing the *keep* of all commercial species under the current framework. Currently, a licence with these features costs \$2,410, whilst under the proposed framework the equivalent licence – the *advanced licence* – would cost \$682.90.

Expanding the range of species that can be kept in Queensland under Options 2 to 4 also provides potential benefits to business and industry. By allowing Queenslanders to keep previously prohibited species, business and industry may benefit from an increased demand for keeping these animals.

Costs

Option 1 does not impose any new costs to business and industry. Maintaining the current framework, however, continues to impose regulatory burden on business with the suite of licence categories and timeframes as well as the restrictions on species that can be kept and traded. For example, if a commercial operator has a licence that allows for the sale of birds, but wishes to also sell reptiles they will need to apply for a replacement licence that allows for the sale of both birds and reptiles. Additionally, retaining the current framework limits the ability of commercial operators to benefit economically because of the inability to *keep* and *trade* animals that are currently only available to *recreational wildlife licence* holders.

The costs to industry are consistent across Options 2 to 4. This is because the variation in these options only impact on persons who currently hold a *recreational wildlife licence*.

As a sector, the projected impact of the *advanced licence* provides a net benefit as outlined above. However, the revised licence fee applicable to Options 2 to 4 may result in increased licence costs for some individual businesses. As a worst-case scenario (a business currently seeking a licence only for one month – scorpions and spiders only), the maximum cost increase to an individual business for the three year *advanced licence* will be \$651.70. This additional cost should be offset by commercial operators having access to a significantly larger suite of animals for commercial trading than is currently available. Native animals generally retail at prices from \$10 up to \$300. Reptiles currently sell in excess of \$1,000 in the current recreational market.

For *commercial wildlife licence* holders who hold a small number of animals for *trade*, the fee increase may affect the viability of the business if they wish to continue selling native animals. However, this is dependent on which of the seven current licence categories they operate under.

Government

Benefits

Option 1 continues the current (familiar) administrative framework for government. This negates the need for additional resources to establish and implement a new regulatory framework.

Under Options 2 to 4 there is scope for moving to a modernised risk-based licencing and compliance approach based on cost recovery to administer this framework. All these options provide for an enhanced and pro-active compliance approach. This will allow the department to achieve the objectives of its *Regulatory Strategy*.

While Options 2 to 4 apply the same breeding and trading restrictions, they differ in the number of animals that can be kept under *standard licences* and *specialised licences*. The breeding restrictions reduce the number of animals available for trading. They also limit the potential for disguising the illegal *take* of wild animals, or the illegal purchase of animals, as captive-bred offspring. Requiring animals to be kept for six months before they can be traded also reduces the incentive to *trade* because of the expenses required to house and feed animals.

Option 2 provides the greatest benefit to government. This is because it places the greatest restrictions on the number of animals that can be kept under *standard licences* and *specialised licences*. In doing so, it provides the strongest framework for managing the risk of *illegal trade*, and for proactively monitoring compliance.

Option 3 is less effective than Option 2 in managing the risk of *illegal trade* because it allows for a high level of *keep* of animals under *standard licences* and *specialised licences*. This makes it more difficult for departmental compliance staff to identify if an animal has been legitimately acquired, or if it has been taken from the wild or bred counter to licence requirements.

Option 4 provides more benefits to government than Option 3 because it has more restrictions on the *keep* of animals for *standard licences* and *specialised licences*. Option 4 allows for a high level of *keep* of animals under a *standard licence* and a mix of a high level of *keep* for class 1 animals under a *specialised licence* as well as a limited number of class 2 animals.

Costs

Option 1 imposes no new administrative costs on government. This option however, continues with licence types and a compliance approach that are ineffective in reducing the risk of the illegal trafficking of *protected animals* under a model that more or less achieves full cost-recovery. The information in Table 5 is a summary of information in Attachment 1.

Table 5: Average annual cost to government of Options 1 to 4

Option	Average fee revenue	Cost to department		Difference (revenue less cost to department)
		Average assessment cost	Average compliance & investigation cost	
Option 1	\$0.843M	\$0.260M	\$0.600M	\$-0.017M
Option 2	\$1.412M	\$0.927M	\$0.485M	\$0
Option 3	\$1.182M	\$0.798M	\$0.384M	\$0
Option 4	\$1.197M	\$0.806M	\$0.391M	\$0

Under Options 2 to 4 there is no new economic cost to government. However, Option 3 presents the most costs to government relative to Options 2 and 4. This is because it provides the least capacity for the department to detect *illegal trade* and therefore may require increased time and effort related to enforcement action. As with the benefits, Option 4 sits between Options 2 and 3.

Community

Benefits

Option 1 maintains the current *recreational wildlife licence* requirement for the community. This allows *recreational wildlife licence* holders to continue to operate within a familiar regulatory environment and at a low cost for those *recreational wildlife licence* holders that are keeping native animals as a hobby. As with business and industry, maintaining the current framework will negate the need for *recreational wildlife licence* holders to invest time and resources adjusting to new arrangements.

Under Options 2 to 4 the community may benefit from greater accessibility to native animals through commercial operators increasing captive-bred stock. Commercial operators will be operating under the *advanced licence* with no restrictions on breeding or the number of animals available for *commercial purposes*. The additional supply may reduce retail prices for some native animals.

From a social and environmental perspective, Options 2 to 4 reduce the potential risk of animal poaching and the illegal buying and selling of animals, particularly for native reptile, amphibian, and bird species that are currently restricted for *recreational purposes*. While these options have the same breeding and trading restrictions, Option 2 provides the greatest benefits to the community. This is because it has the most restrictions on the possession of animals under *standard licences* and *specialised licences*. Option 3 has the least benefits because of the unrestricted access to animals under these licence types. Option 4 provides reduced restrictions on the potential for *illegal trade* compared to Option 3.

The equitable access to these species for both *commercial purposes* and *recreational purposes* will improve *trade* and captive-breeding practices, which may also lead to reduced monetary incentives to unlawfully poach animals from the wild and illegally purchase animals. Expanding the native animal keeping industry and encouraging more people to connect with nature may also lead to increased community awareness and education on species conservation issues.

Costs

Option 1 imposes no new economic costs on the community. The total cost to the community in licence fees will remain at approximately \$0.65 million per year. However, Option 1 maintains a framework with significant loopholes that incentivise *illegal trade*. The continuation of the status quo has the potential to compromise the ongoing viability of Queensland's *native wildlife*.

The impacts on current *recreational wildlife licence* holders varies depending on their activity. Under Options 2 to 4 the fee for a *standard licence* will remain largely the same for a person wanting to keep native animals for personal enjoyment, and not for *trade* or breeding purposes. However, these options place greater restrictions on the number and type of animals that can be kept for personal enjoyment compared to the status quo. Option 2 has the greatest restrictions compared to Options 3 and 4. However, this impact is offset by Option 2 providing the greatest ability for the government to detect *illegal trading*.

Under Options 2 to 4 the licence fees will increase for current *recreational wildlife licence* holders wanting to keep specialised animals under a *specialised licence* or to breed or *trade* under an *advanced licence*.

Despite the fee increase for an *advanced licence*, it is arguable that current *recreational wildlife licence* holders who undertake frequent *trade* or who *trade* high-value *protected animals* should already be operating under a *commercial wildlife licence*. The \$682.90 *advanced licence* fee is less than the current corresponding *commercial wildlife licence* fee.

The transition of current *recreational wildlife licences* across to the higher cost licence categories of *specialised licences* and *advanced licences* is not mandatory upon licence expiry. *Recreational wildlife licence* holders can choose to operate under any of the new licence types. If they wish to avoid a fee increase they can do so by altering the number and species of animals they *keep*, and ceasing breeding and *trade* practices. Animal surrender, or sale prior to the current licence expiring are options in this circumstance.

Under Options 2 and 4, particularly option 2, there is a risk that people with a *standard* or *specialised* licence will not seek to humanely dispose of offspring should breeding occur. This increases the risk of these animals being released into the surrounding natural environment, potentially affecting wild populations of animals – for example through posing a biosecurity risk.

Under Options 2 to 4 there may be environmental risks associated with allowing a greater variety of species to be kept in Queensland. This is because there may be an increased risk of *protected animals* being unlawfully released into the wild, which potentially could have disease and genetic impacts on local and regional wild populations. However, given the challenges of detecting and monitoring species incursions and their effect on wild populations throughout Queensland, it is unclear whether any such impacts have already occurred, or are likely to occur, under the existing regulatory framework. Therefore, there is no practical method of distinguishing or comparing these potential impacts under Options 2 to 4. It is expected that the likelihood of these impacts occurring will not significantly differ irrespective of the regulatory framework in place.

Licence transitions and fee changes

A more detailed breakdown of projected licence transitions and fee changes for the community under Options 2, 3 and 4 are provided below. Projected licence transitions are based on the assumptions outlined earlier about the number and type of animals that current *recreational wildlife licence* holders are keeping.

Transition to standard licence

Under Option 2, it is expected that 76% of *recreational wildlife licence* holders will transition to a *standard licence*. Under Options 3 and 4, it is expected that 80% of *recreational wildlife licence* holders will transition to a *standard licence*. This transition will result in a fee decrease from the current fee of \$78.60 to \$59.20. This results in an estimated total saving, relative to status quo, across this licence type of approximately \$0.114 to \$0.121 million per annum. This is illustrated in Table 6.

Table 6: Projected transitions of current *recreational wildlife licences* to a *standard licence*

Licences that would be required to transition from 'Recreational (standard) Licence' to 'Standard Licence'							
Option	No. of licences/year (average)	Current \$/licence	Current cost to community	Proposed \$/licence	Saving \$/licence	Estimated total cost to community	Estimated saving relative to status quo
OPTION 2	5889	\$78.60	\$0.463M	\$59.20	\$19.40	\$0.349M	\$0.114M
OPTION 3	6235	\$78.60	\$0.490M	\$59.20	\$19.40	\$0.369M	\$0.121M
OPTION 4	6235	\$78.60	\$0.490M	\$59.20	\$19.40	\$0.369M	\$0.121M

Transition to specialised licence

Between 8-9% of the total number of *recreational wildlife licences* will transition from a recreational (standard) licence to a *specialised licence*, depending on whether Option 2, 3 or 4 is implemented. The licence fee increases by \$238.30 – from \$78.60 to \$316.90. This equates to an estimated additional total cost, relative to status quo, across this licence type between \$0.062 million and \$0.071 million per annum for this licence type, depending upon the option. This is illustrated in Table 7.

The transition from a recreational (international) licence to a *specialised licence* will result in a licence fee increase of \$220.95 – from \$95.95 to \$316.90. This is projected to be a total increase in fees for this licence type, relative to status quo, of \$0.058 million per annum. This does not vary across Options 2, 3 and 4. This is illustrated in Table 7.

The transition from a recreational (restricted) licence to a *specialised licence* will result in a licence fee decrease of \$6.60 – from \$323.50 to \$316.90. This is projected to be a total decrease in fees for these licence types of \$0.001 million per annum, relative to status quo. This does not vary across Options 2, 3 and 4. This is illustrated in Table 7.

Table 7: Projected transitions to *specialised licences*

Licences that would be required to transition from 'Recreational (standard) Licence' to 'Specialised Licence'							
Option	No. of licences/year (average)	Current \$/licence	Current cost to community	Proposed \$/licence	Extra \$/licence	Estimated total cost to community	Estimated cost relative to status quo
OPTION 2	262	\$78.60	\$0.020M	\$316.90	\$238.30	\$0.083M	\$0.062M
OPTION 3	300	\$78.60	\$0.024M	\$316.90	\$238.30	\$0.095M	\$0.071M
OPTION 4	262	\$78.60	\$0.020M	\$316.90	\$238.30	\$0.083M	\$0.062M
Licences that would be required to transition from 'Recreational (international) Licence' to 'Specialised Licence'							
Option	No. of licences/year	Current \$/licence	Current cost to community	Proposed \$/licence	Extra \$/licence	Estimated total cost to community	Estimated cost relative to status quo
OPTION 2, 3 & 4	262	\$95.95	\$0.025M	\$316.90	\$220.95	\$0.083M	\$0.058M
Licences that would be required to transition from 'Recreational (restricted) Licence' to 'Specialised Licence'							
Option	No. of licences/year	Current \$/licence	Current cost to community	Proposed \$/licence	Saving \$/licence	Estimated total cost to community	Estimated saving relative to status quo
OPTION 2, 3 & 4	131	323.50	\$0.042M	\$316.90	\$6.60	\$0.041M	\$0.001M

Transition to advanced licence

The most significant economic cost to the community involves *recreational wildlife licence* holders that choose to transition to an *advanced licence*.

Between 10-14% of the total number of *recreational wildlife licences* would transition from a recreational (standard) licence to an *advanced licence*, depending on whether Option 2, 3, or 4 is implemented. The licence fee increases by \$604.30 – from \$78.60 to \$682.90. This equates to a total increase in fees for this licence type, relative to the status quo, ranging from \$0.423 million to \$0.656 million per annum depending upon the option. This cost breakdown is shown in Table 8.

The transition from a recreational (international) licence to an *advanced licence* results in a licence fee increase of \$586.95 – from \$95.95 to \$682.90. This is projected to be a total increase in fees for this licence type, relative to the status quo, of \$0.027 million per annum. This does not vary across Options 2, 3 and 4. This cost breakdown is shown in Table 8.

The transition from a recreational (restricted) licence to an *advanced licence* results in a licence fee increase of \$359.40 – from \$323.50 to \$682.90. This is projected to be a total increase in fees for this licence type, relative to the status quo, of \$0.008 million per annum. This does not vary across Options 2, 3 and 4. This cost breakdown is shown in Table 8.

Despite these fee increases, it is arguable that current *recreational wildlife licence* holders who receive a gain or reward from their wildlife (e.g. if they undertake frequent *trade* or *trade* high-value *protected animals*) should currently be operating under a *commercial wildlife licence*. Using the same assumptions as those used for the commercial industry for the type of licences commercial holders are operating under, these traders would be saving \$1,374 for a licence under Options 2 to 4 relative to a comparative *commercial wildlife licence* of \$2,057 under the status quo.

Table 8: Projected transitions of current *recreational wildlife licences* to an *advanced licence*

Licences that would be required to transition from 'Recreational (standard) Licence' to 'Advanced Licence'							
Option	No. of licences/year	Current \$/licence	Current cost to community	Proposed \$/licence	Extra \$/licence	Estimated total cost to community	Estimated cost relative to status quo
OPTION 2	1085	78.60	\$0.085M	\$682.90	\$604.30	\$0.741M	\$0.656M
OPTION 3	701	78.60	\$0.055M	\$682.90	\$604.30	\$0.478M	\$0.423M
OPTION 4	739	78.60	\$0.058M	\$682.90	\$604.30	\$0.505M	\$0.447M
Licences that would be required to transition from 'Recreational (international) Licence' to 'Advanced Licence'							
Option	No. of licences/year	Current \$/licence	Current cost to community	Proposed \$/licence	Extra \$/licence	Estimated total cost to community	Estimated cost relative to status quo
OPTION 2, 3 & 4	46	95.95	\$0.004M	\$682.90	\$586.90	\$0.032M	\$0.027M
Licences that would be required to transition from 'Recreational (restricted) Licence' to 'Advanced Licence'							
Option	No. of licences/year	Current \$/licence	Current cost to community	Proposed \$/licence	Extra \$/licence	Estimated total cost to community	Estimated cost relative to status quo
OPTION 2, 3 & 4	23	323.50	\$0.007M	\$682.90	\$359.40	\$0.016M	\$0.008M

Summary of community impacts under the proposed options compared to the current licencing framework

Figure 3 provides a summary of the community benefits and costs for the proposed options compared to the current licencing framework.

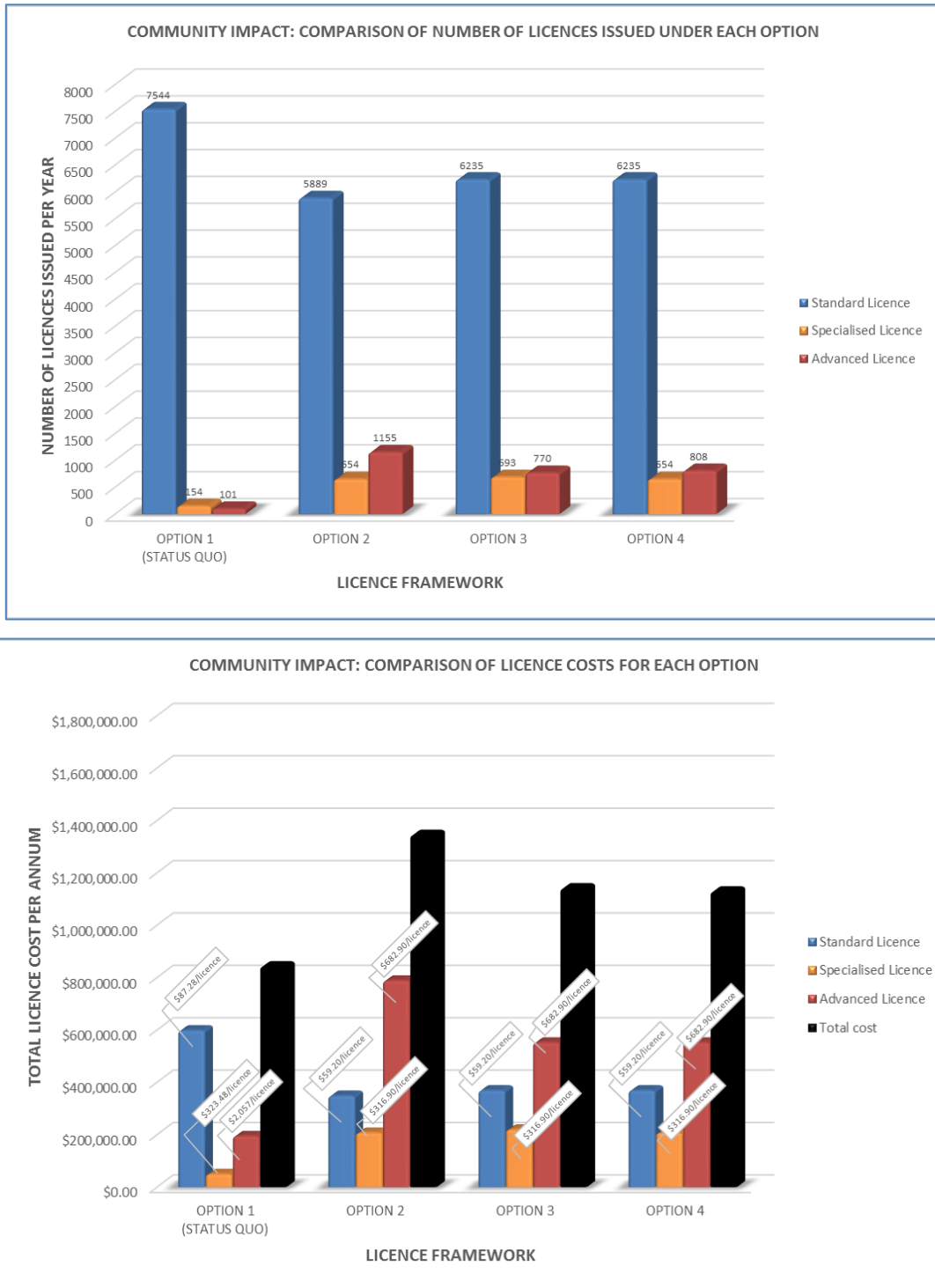


Figure 3: Summary of community benefits and costs for proposed options compared to current licencing framework⁴

⁴ For the purpose of comparison across the options, licences under ‘Status quo’ have been depicted based on the expected transition from commercial and recreational wildlife licences into the proposed licence types.

Issue 2 – Record-keeping requirements facilitate *illegal trade*

Background

The current hardcopy record-keeping system for *commercial wildlife licence* and *recreational wildlife licence* holders creates loopholes for the *illegal trade* of *protected animals*. Similarly, the *hardcopy system* for recording wildlife *movement* and *trade* also presents loopholes for *illegal trade*.

The current *hardcopy system* for *trading protected animals* is outdated for the level of trade which occurs in Queensland. This *hardcopy system* also allows licence holders to easily conceal illegal activities.

Ensuring the department has access to essential *records* kept by licence holders, in as close to real time as possible, will improve the ability to detect attempts to illegally obtain and *trade protected animals*.

Current situation

Record-keeping requirements

As at 30 June 2017 there are 33,721 *recreational wildlife licences* and 30 *commercial wildlife licences*. Both licence types are required to keep *records*. Generally these *records* are kept in a hardcopy (paper) *record book* which can be printed from the department's website or purchased from the department (\$8.25 for 20 pages or \$20.60 for 50 pages).

The *record book* must document species type, transaction details of where the animal is bought, received, sold, or given away. Other increases or decreases in animal numbers – births and deaths, and lost, escaped or stolen animals – must also be recorded in the *record book*. Generally, these *records* must be entered into the *record book* on the day the event occurred.

These *records* are not submitted to the department. The department generally needs to visit the licenced premises (for example, a person's home or business) to view the *records*. However, *commercial wildlife licence* holders must submit a *return of operations* to the department annually, which provides a summary of the *records* kept in their *record book*. *Recreational wildlife licence* holders are not required to provide this summary.

Problems with the current record-keeping system

The current *hardcopy system* allows licence holders to easily conceal *illegal trade* and *take* through the record-keeping required for a licence. The lack of the timely submission of *records* to the department creates opportunities for licence holders to falsify and manipulate *records*. It also undermines the ability for the department to know what animals are kept under a licence and to proactively detect irregularities in record-keeping.

Other than buying and selling animals, some of the most important *records* are increases and decreases in the number of animals kept in a collection – births and deaths, or escaped, lost or stolen animals. As *records* are not provided to the department in a timely manner, illegal poaching of animals from the wild can easily be recorded as offspring of legally kept captive bred species. *Illegal trade* can also occur by falsely claiming the loss of an animal through a death, by not recording births and deaths at all, or by claiming a *record book* was lost or damaged.

Additionally, relying on the inspection of *records* at the licenced premises raises a number of safety concerns for the department's officers, due to the link between *illegal trade* of *protected animals* and major organised crime.

Case Study: Concealing *illegal trade* of animals through record-keeping

Compliance actions undertaken by the department have found *recreational wildlife licence* holders with large numbers of reptiles that were likely taken from the wild. In some circumstances, licence holders have claimed that their animals bred and produced the offspring. If the licence holder has made a *record* of the births in their *record book*, it is difficult for the department to prove the animals were taken from the wild, particularly if the *record book* is not inspected in a timely manner. For example, a *recreational wildlife licence* holder in possession of two or more lawfully obtained captive bred green pythons could illegally *take* more green pythons from the wild and sell them to other licence holders. The licence holder is able to conduct this illegal activity by fabricating birth *records* for these animals – claiming they were offspring of the lawfully kept animals.

Wildlife *movement* and *trade*

When moving or trading *protected animals*, there is a requirement for the department to be notified, or to first approve the movement or trade.

Protected animal trade is most commonly notified through the form of a *movement advice*. It is estimated that over 16,000 *movement advices* are received annually across Queensland.

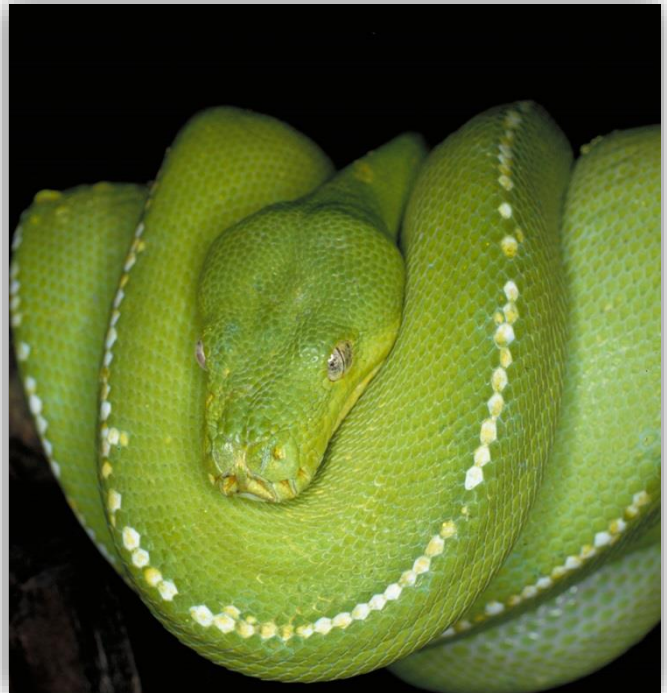
A *movement advice* allows certain animals to be moved without prior approval. An advice is valid for one consignment of animals for 14 days from the date the *movement* is to be commenced.

In other circumstances a *movement permit* is required to move *protected animals*. Activities that require a *movement permit* are generally a higher risk to species conservation or *illegal trade*, thus the department must approve the *movement* before it can occur. For example, a *movement permit* is required for *movement* related to exporting a live *protected animal* out of Australia, the *movement* of live mammals or special *protected animals* (koala, platypus, echidna or wombat) within Queensland, and the *movement* of exotic animals.

However, *movement permits* are used in limited circumstances and are less of a concern in relation to monitoring *protected animal trade*. Consequently, this issue focusses on record-keeping requirements for *movement advices*. The current procedure for obtaining a *movement permit* will remain unchanged.

Before the *movement* of a *protected animal* occurs, a *movement advice* must be filled out by:

- the seller or person giving away the animal; or
- if the seller or person giving away the animal is interstate, the Queensland buyer or receiver of the animal.



Recently the department released an online version of *movement advices* through the department's permit and licencing system, 'Connect'. However, for hard copy versions, the *movement advice* is comprised of four parts, where one part is:

- provided to the department by the person that sold or gave away the animal;
- kept by the person that sold or gave away the animal;
- provided to the department by the person that received or accepted the animal; and
- kept by the person that received or accepted the animal.

Each part of the *movement advice* records the same details, including the licence type and number of the buyer and seller, the address where the animals will be kept, the date *movement* occurred, and the details for the animals being moved. *Movement advices* can be filled out in a hardcopy form purchased from the department for \$3.65⁵ or generated electronically for a fee of \$3.65 through Connect (with a 7% surcharge for using the *online system*) The use of an electronic *movement advice* through Connect is only available when both the buyer and seller hold licences that were issued electronically.

Once part of a *movement advice* is received by the department, officers must cross-check this part against the corresponding part that is provided by the other party to the transaction. Each party must provide a copy of the *movement advice* to the department within seven days of the *movement* occurring. One of the benefits for those lodged electronically is that this is done automatically by the *online system*.

⁵ Subject to annual change as a result of fee indexation

Problems with the current hardcopy system

The current four-part hardcopy *movement advice* system for *trading* animals is out-dated for the level of *trade* which occurs in Queensland, and between Queensland and other jurisdictions. The *hardcopy system* and the high number of *movement advices* received creates costs and administrative burden for both licence holders and government, and makes it difficult for the department to achieve proactive compliance.

The lack of timely knowledge on the *movement* of animals, coupled with the volume of *trade* in *protected animals*, undermines the ability for the department to monitor *trade* and undertake proactive compliance to detect illegal transactions before they are completed.

Proposed options to address Issue 2

The following three options to address Issue 2 are proposed:

- **Option 1:** status quo – maintain the current mix of hardcopy and online record-keeping system for all *trade*
- **Option 2:** mandatory online record-keeping system for *high risk trade*
- **Option 3:** voluntary online record-keeping system for *high risk trade*

Option 1 (status quo) seeks to maintain the current record-keeping requirements, while Options 2 and 3 propose alternative ways to improve record-keeping requirements and reduce the ability to conceal the *illegal trade* of *protected animals*. Options 2 and 3 seek to improve the department's ability to proactively monitor the *trade* of animals kept in captivity by introducing a user-friendly online record-keeping system. New requirements for submitting *records* to the department in a timely manner are also proposed.

Options 2 and 3 also link to the reformed licencing framework proposed in response to Issue 1 – with standard, specialised, and *advanced licences* replacing the current *commercial wildlife licences* and *recreational wildlife licences*.

Option 1 – status quo

Option 1 proposes to retain the status quo by maintaining the current record-keeping and *movement advice* requirements for *protected animals*. As described above, the current requirements allow licence holders to easily conceal the *illegal trade* of *protected animals*.

Options 2 and 3 – revised record-keeping and *trade* requirements

Options 2 and 3 aim to strengthen conservation outcomes and improve the framework for *keeping protected animals* by improving record-keeping and *movement advice* requirements, particularly for *specialised licence* holders *keeping specialised animals* that are also highly desirable from a trading perspective, as well as *advanced licence* holders who undertake *high risk trade*.

This is achieved through introducing an *online system* that:

1. functions as an electronic *record book*
2. provides for electronic *movement advices*.

The ability to make *records* manually using the current *hardcopy system* is also proposed under Options 2 and 3.

Under Options 2 and 3 all licence holders will be required to keep the same *records* as required under the current framework within the timeframe currently prescribed under the *Nature Conservation Regulations* (e.g. on the same day that an animal is obtained, born, or dies).

1. Electronic *record book*

The proposed online record-keeping system will allow licence holders to easily keep and submit *records* for *keeping protected animals*. This system will function as an electronic *record book* and will replace a licence holder's hardcopy *record book*. For Option 2 this approach will be mandatory for *specialised licence* and *advanced licence* holders. Under Option 2 the use of the *online system* to keep *records* is voluntary for *standard licence* holders, while under Option 3 it is voluntary for all three licence types.

The current requirements for what *records* must be made, and the timeframe for making *records*, will be consistent between the hardcopy book and the *online system*. When a *record* entry is made in the *online system* it is automatically submitted to the department.

With the introduction of the online record-keeping system, the current downloadable copy of a *record book* will no longer be made available. Licence holders who do not use the online record-keeping system will instead need to purchase a hardcopy *record book* from the department for the same fee as is currently required⁶.

2. Electronic movement advices

Selling or giving away animals

Where a licence holder is using the *online system* to keep *records* and wishes to sell or give away an animal, a *movement advice* can be generated using the *online system*. Under Option 2 this is mandatory for *specialised licence* and *advanced licence* holders, and voluntary for *standard licence* holders. Option 3 allows all three licence types to voluntarily use the *online system* for *movement advices*.

As with the current paper-based approach, the *movement advice* must be filled out through the *online system* before the movement occurs. The department will be automatically notified when the *movement advice* is completed on the *online system*. When filling out a *movement advice* on the *online system*, the licence holder must print a receipt of the advice (equivalent to parts 2 and 3 of the current hard-copy form), which is required to travel with the animal to the buyer.

Receiving animals

The licence holder receiving the animal can accept the *movement advice* through the *online system*, which will automatically notify the department of this occurring.

Interstate transactions

Where any licence holder is buying from or selling to, a person in another state, the *online system* cannot be used and a hardcopy *movement advice* is required.

For greater detail of the requirements for moving *protected animals* under Options 2 and 3, Attachment 4 provides a summary of the function of an electronic *movement advice*.

Option 2

Record-keeping

Under Option 2, *specialised licence* and *advanced licence* holders will be required to keep an electronic *record book* through the department's new *online system*. However, if this would cause unnecessary hardship (e.g. licence holder does not have a computer or internet connection), the licence holder can seek the department's permission to continue use of a hard-copy *record book*.

When *records* are entered into the electronic *record book*, these *records* will be automatically submitted to the department.

Standard licence holders can choose to keep an electronic *record book* through the department's new *online system*, or continue to keep their *records* in a hardcopy *record book*. Where a hardcopy *record book* is used, the *standard licence* holder must submit to the department a copy of:

- all *records* of births, deaths, escapes, and lost or stolen animals within 24 hours after the *record* was made (for example, by mail); and
- their *records* once a year, using the *online system*.

Option 2 removes the need to submit a *return of operations*, which is currently required for commercial operators.

Animal movement and trade

Under this option, *specialised licence* and *advanced licence* holders must use the electronic *movement advice* function of the *online system* when a *movement advice* is required. However, if this would cause unnecessary hardship (e.g. licence holder does not have a computer or internet connection), the licence holder can seek the department's permission to continue to use hardcopy *movement advices*.

⁶ Subject to annual change as a result of fee indexation

Standard licence holders can choose to use the online *movement advice* function, as long as both parties involved in the transaction use the online system. *Standard licence* holders can also continue to use hardcopy *movement advices*.

Option 3

Record-keeping

Under Option 3, use of the electronic system is optional for all licence holders. If the electronic *record book* in the system is used, as with Option 2, when *records* are entered into the electronic *record book*, these *records* will be automatically submitted to the department.

Where a licence holder chooses to continue to use a hardcopy *record book*, the licence holder must submit to the department:

- all *records* of births, deaths, escapes, and lost or stolen animals within 24 hours after the *record* was made (for example, by mail); and
- all *records* kept for the licence, using the *online system*:
 - every three months for *specialised licence* and *advanced licence* holders; and
 - every 12 months for *standard licence* holders.

As under Option 2, Option 3 also removes the need to submit a *return of operations*.

Animal movement and trade

As with record-keeping, all licence holders can choose whether or not to use online *movement advices*.

Impact assessment

Assumptions

Assumptions for Options 2 and 3

It has not been possible to undertake an audit of all 15,000 *movement advices* received annually. However, from a sample that has been reviewed it is assumed that most *trade of protected animals* occurs within Queensland, and not with interstate traders.

Options 2 and 3 introduce an online record-keeping system. As current licence holders mostly sell animals through commercial shops (e.g. pet stores) or buy and sell animals through online recreational advertisements, it is assumed that most licence holders will have access to a computer. If any licence holder is unable to access a computer to use the online record-keeping system, the licence holder may apply to the department to request use of a *hardcopy system*.

It is also expected that use of the online record-keeping system will be comparable in time and effort to using the current manual record-keeping system. This will be achieved by duplicating the record requirements of the current manual system.

Business and Industry

Benefits

Option 1 retains the current animal *keeping*, *trading* and *movement* record-keeping requirements for business and industry. This has the benefit of negating the need for commercial *protected animal* operators to adapt their business systems and processes to new requirements for keeping and submitting *records*.

Option 2 allows commercial operators to keep electronic *records* using a simple and free system to meet their requirements. As these *records* were previously recorded in a hardcopy book, this option may save time and effort associated with business transactions. This option also removes costs associated with meeting record-keeping requirements for *protected animals*, related to purchasing the department's prescribed hard copy *record book* and submitting *records* manually – for example, through the post.

Under this option the requirement for submitting *records* online may improve the quality of record-keeping for some businesses, and therefore support improved commercial outcomes and reduce unintended non-compliance, as a result of keeping hardcopy *records*. For example, if a hard-copy *record* entry is not in ink, or is illegible, the *record* is non-compliant. Requiring *records* to be provided online may also support some businesses improve their stock inventory processes.

Option 3 provides the same benefits as Option 2 for those businesses who choose to use the electronic *record book* function of the department's *online system*. Where a commercial operator chooses to instead keep *records* using the *hardcopy system*, the current *record book* process is maintained, however a copy of these *records* must be uploaded to the department's *online system* every three months.

For *advanced licence* holders who choose to keep *hardcopy records* under Option 3, the quarterly submission of a copy of their *record books* may also support improved stock inventory processes.

The online *movement advices* under Options 2 and 3 provide greater benefits than Option 1 (status quo) for *trading protected animals* within Queensland, through the requirement to fill out *movement advices* online. This is because the online completion of a *movement advice* results in an automatic notification to the department of the *movement*, instead of the need to post this notification where the manual system is retained. However, this benefit is greater in Option 2, as electronic *movement advices* will be mandatory for *advanced licence* holders.

Attachment 4 summarises *movement advice* requirements for all licence holders, and demonstrates that completing a *movement advice* through the *online system* provides reduced administrative requirements.

Costs

Option 1 (status quo) provides no new costs to business and industry. Maintaining the current system, however, continues with a record-keeping system that provides opportunities to manipulate and falsify *records* to conceal *illegal trade*.

While use of the *online system* under Option 2 and Option 3 provides a number of benefits, both options may result in increased costs to meet record-keeping requirements where commercial operators require equipment and internet access beyond what they already have for related business transactions. This potential cost is greater under Option 2, where use of the system will be mandatory for *advanced licence* holders. However, to mitigate this, where the mandated use of the electronic system would cause unnecessary hardship and costs – for instance if licence holders don't have access to a computer or internet – they can seek the department's approval to continue using the *hardcopy system*.

Any increase in cost however, is likely to be offset by the proposals under Issue 1 to allow commercial operators to have access to a greater number of species than is currently available for commercial sale. For example, this includes high value reptiles that are currently only available to recreational keepers, and species not currently permitted in Queensland – such as red-backed fairy-wrens and blue-faced honeyeaters.

Where a licence holder continues to use the *hardcopy system* under Options 2 and 3, administrative burden and postage costs will apply. Option 3 may result in higher *hardcopy record* costs than Option 2. This is because Option 2 mandates the use of the electronic system for *specialised licence* and *advanced licence* holders – unless hardship is demonstrated – while Option 3 allows these licence holders to voluntarily use the *online system*.

Administrative burden is incurred because the current *hardcopy record book* must be purchased from the department at the current fee. *Record books* will no longer be available to download from the department's website for free, as these will be replaced by the *online system*. Additionally, a copy of any *record* of births, deaths, and lost, escaped, or stolen animals must be submitted (for example, by mail) to the department within 24 hours of the *record* being made. These *records* are currently captured in annual *return of operations*. Under Options 2 and 3, administrative burden and costs can be avoided by using the *online system*, as *records* are submitted automatically when entered into the system.

Under Options 2 and 3, submission of a *hardcopy movement advice* will also create administrative burden and postage costs for commercial operators. *Movement advices* will be required to be purchased from the department at the current fee. This is because the current option to print *hardcopy advices* for free will be replaced by the *online system*. Under Options 2 and 3, these costs can be avoided by using the *online system*.

As it is assumed that most *trade of protected animals* occurs within Queensland, the number of licence holders buying from or selling to, a person in another state through a *hardcopy movement advice* is expected to be low. No new costs relative to the status quo are associated with these activities, because the *movement* of these animals will continue to occur under the current manual *movement advice* system.

Government

Benefits

Option 1 retains the current record-keeping framework for *commercial wildlife licences* and *recreational wildlife licences*. This negates the need for the government to allocate additional resources to establish and implement new record-keeping requirements.

Option 2 provides the greatest benefits to government. This is because this option works most effectively with the proposed risk-based licence types under Issue 1. It ensures *specialised licence* holders *keeping* specialised animals that are also highly desirable from a *trading* perspective, as well as *advanced licence* holders who undertake *high risk trade* use the department's *online system* for keeping and submitting *records*, and completing *movement advices*.

Option 2 ensures the government has access to essential *records* in as close to real time as possible, because *records* will be automatically submitted to the department when uploaded to the system. In this way, Option 2 also best supports an enhanced and pro-active compliance approach in alignment with the department's *Regulatory Strategy*. This is because it allows the department to more easily monitor the possession, *trade*, and *movement* of *protected animals* rather than waiting for posted hardcopy *records* as may occur under Option 3.

Option 2 will also improve the ability of the department to undertake targeted risk-based compliance monitoring. The benefits to the government of an improved ability to prevent *illegal trade* under Option 2 are also applicable to Option 3 where the department's *online system* is used, particularly by *specialised licence* and *advanced licence* holders.

There are administrative advantages for government when *records* are received electronically. It is anticipated that Option 2 will deliver the greatest benefit to government through use of the electronic system, as it is mandated for *specialised licence* and *advanced licence* holders – unless hardship can be demonstrated. For example, it is expected that the vast majority of the 16,000 *movement advices* received annually would be received electronically under Option 2. Receiving *records* electronically will reduce the time and effort in checking *records*, retrieving *movement advices* for compliance purposes, and for the processing and storing of these *records* and *advices*.

Use of hardcopy *record books* under Option 2 and Option 3 is also an improvement relative to the status quo in terms of the ability for the department to monitor the *keep* and *trade* of *protected animals*. This is because under the current system all *records* – including the recording of births or deaths, and lost, escaped, or stolen animals – are kept in hardcopy *record books* by recreational and commercial operators, which are only available upon request.

Under Options 2 and 3, a copy of these *records* will instead be required to be submitted (for example, by mail) to the department within 24 hours of the record being made. Furthermore, a full copy of *record books* must also be submitted to the department using the *online system* either annually or quarterly – depending upon the licence type. This will allow the department to check *records* more frequently than is currently possible. Under Option 2, the submission of the *record book* by *standard licence* holders using the *online system* will be more cost effective than Option 3. This is because the department will need to manually update the *online system* with details from submitted hardcopies.

Options 2 and 3 also both benefit government by increasing the safety of compliance officers conducting inspections. This is because licence holders completing electronic record-keeping and *movement advices* reduces the need for department staff to enter a person's property for compliance purposes. Further, when undertaking inspections, staff will know what animals are at a premises to be inspected. For example, they will know if they will be dealing with two animals or 100 animals, or venomous or dangerous animals, before they arrive.

Costs

The economic costs to government under Option 1 are neutral. However, this option maintains a record-keeping system that doesn't allow for the timely provision of animal keeping, trading and movement *records* to the department. This creates opportunities to falsify and manipulate these *records* to conceal *illegal trade* of *protected animals*. This undermines the ability for the department to know what animals are kept under a licence, to proactively detect irregularities in record-keeping, and target resources for compliance activities towards licence holders undertaking *high risk trade*.

Options 2 and 3, where licence holders choose to use the paper based record-keeping system, the volume of *records* received by the department will increase relative to the status quo. This is because all licence holders using the *hardcopy system* must submit a copy of *records* related to births, deaths, and lost, escaped, or stolen animals to the department within 24 hours of these *records* being made.

This new requirement will require resources to be directed to managing these records – such as uploading these *records* to the *online system*. This cost to the department will be larger under Option 3, as all *standard licence*, *specialised licence* and *advanced licence* holders can choose to use the paper based system. Costs to administer hardcopy *records* will be lower under Option 2 as use of the electronic system as it is mandated for *specialised licence* and *advanced licence* holders – unless hardship can be demonstrated.

Community and the environment

Benefits

Option 1 maintains the current record-keeping requirements for *recreational wildlife licence* holders. This allows recreational operators to continue to operate within a familiar record-keeping environment, and potentially at a lower licence cost than under Options 2 or 3.

Options 2 and 3 provide benefits to the community and environment by improving the ability of the department to monitor *trade of protected animals* relative to the status quo. This will improve the conservation of *protected animals* in the wild and reduce possible species extinctions. The greatest benefit will be realised under Option 2, as *specialised licence* and *advanced licence* holders will be required to enter their *records* in the *online system* – automatically submitting these to the department. These benefits will be reduced under Option 3, as *specialised licence* and *advanced licence* holders can continue to keep and submit *records* manually, creating a greater risk of concealing *trade*.

Options 2 and 3 also benefit licence holders by providing a simple and free *online system* to meet their record-keeping requirements. Submitting *records* online may improve the quality of record-keeping for some licensees, and therefore reduce unintended non-compliance as a result of keeping hardcopy *records*. For example, if a hard-copy record entry is not in ink, or is illegible, the record is non-compliant.

Costs

Option 1 (status quo) has limited ability to reduce the current record-keeping loopholes that facilitate the *illegal trade of protected animals* in Queensland. Under Options 2 and 3, where the *hardcopy system* is used, the current hardcopy *record book* and *movement advices* will no longer be available to download from the department's website for free. They will need to be purchased from the department at the current fees⁷ which is \$8.25 for a 20 page book or \$20.60 for a 50 page book.

The requirement to provide a copy of any record of births, deaths, and lost, escaped, or stolen animals (for example, by mail) to the department within 24 hours of the record being made will also include administrative costs – such as the cost of postage to the department.

This cost will vary depending upon which option for licences is selected. For example, under option 2 for licences – the modernised framework with the greatest ability to reduce illegal trade – standard and specialised licensees will be permitted a maximum of five animals, and breeding will not be permitted. Consequently, the impact for submitting a copy of a record (hardcopy or online) will be minimal as the licensee will have few events for which a record must be submitted. This means records will predominantly be required upon the death, loss, or theft of an animal, or when an animal is acquired. In this instance, a movement advice is required anyway.

When pairing this with the requirement for specialised licensees to submit records online, and standard licensees having the option for submitting hard-copy or online records, the impact will be minimal.

This is also the case for the submission of a hardcopy *movement advice*. Under Options 2 and 3, these costs can also be avoided by using the *online system*.

⁷ Subject to annual change as a result of fee indexation

Problem 2: Unregulated *take* of animals from the wild

Background

The scientific community has raised concerns with the current unrestricted *take* of protected scorpions and spiders, and least concern amphibians from the wild. This has been identified as a threat to their conservation, potentially threatening the long-term viability of regional and localised populations.

Current situation

Under the current framework, a person does not need a wildlife authority (e.g. a *recreational wildlife licence*) to *take* from the wild:

- an unlimited number of protected scorpions and spiders (all of which are currently are classed as least concern);
- up to eight least concern amphibians.

This *take* from the wild is allowed provided the animals are not sold or given away, and the *take* is for *recreational purposes* (personal enjoyment). Also, a person is not allowed to buy or accept the animals from another person, unless that person is authorised to sell or give away the animals.

In comparison, the *taking* of these animals from the wild for a *commercial purpose* requires a commercial harvesting licence. Currently, there are two commercial harvesting licences in effect for protected spiders and scorpions, and none for least concern amphibians.

Problems with the current system

The *take* of all other *protected animals* from the wild, as well as *keeping* and *using* them, requires a wildlife authority. Consequently, the exemption for these species is not consistent with the management approach for all other species.

The current approach allowing the unregulated *take* of protected scorpions and spiders and least concern frogs from the wild also limits the ability for the department to monitor the rate of species taken from the wild, to ensure the animals are being appropriately dealt with, and to minimise the risk of *illegal trade*. For example, due to the current record-keeping framework, people can disguise animals taken from the wild as births from captive-bred animals and then sell them under a *recreational wildlife licence*.

This exemption presents different risks for the viability of these species, as follows.

Amphibians

The *take*, *keep* and *use* of least concern amphibians without a wildlife authority – and associated record-keeping – may increase the risk of spreading disease into natural and captive frog populations. One of the biggest threats to amphibians is the chytrid fungal disease. This disease is the key contributing factor in global declines in amphibian species. In Australia, the disease has been directly implicated in the extinction of some species and the dramatic decline of others.

Infected animals that come into contact with other animals may spread the fungus. This could have flow-on effects across the captive-bred population if infected animals are integrated into people's collections.

As there is no proven method to control the disease, control efforts need to be aimed at protecting uninfected populations.

In addition, there is no assurance that persons collecting frogs are correctly identifying least concern species, and are not unintentionally *taking threatened* or *near threatened* species. For example, the great barred frog (*Mixophyes fasciolatus*) is listed as least concern, whilst the giant barred frog (*Mixophyes iteratus*) is listed as endangered. These species are very similar in appearance and can be found in the same areas within south-east Queensland. The similarity between these species is illustrated in Figure 4. Given the disease pressure that amphibians are already under, the accidental *take* of *threatened* or *near threatened* species has the potential to further compromise the long-term viability of these species in the wild.



Figure 4: Comparison image of the 2 barred frog species – *Mixophyes fasciolatus* (left), *Mixophyes iterates* (right).

Scorpions and spiders

Keeping protected scorpions and spiders, especially tarantulas, is becoming increasingly popular. According to the Queensland Museum, the demand for scorpions and spiders has dramatically increased over the past two decades. While reliable population estimates are not available, it is estimated that 10,000 tarantulas are taken annually from the wild across Australia. Most tarantulas are being taken from Queensland, with harvesting targeting mature females.

Scorpions and tarantulas have particular attributes that make unrestricted harvest a major threat to their ongoing viability. These animals are long-lived, are slow to reach reproductive maturity, and mature females have slow reproduction rates with low success. This means low numbers of offspring are produced. These species also have low dispersal capacity as they rely on specific climate conditions – meaning populations can be isolated from each other. Having isolated populations with low levels of reproduction means that *taking* just one or two animals, particularly mature females, may endanger the viability of the local population.

Additionally, given the lack of taxonomic knowledge of these species, the rate of *take* of these species may have already contributed to the decline and the possible extinction of undescribed species.

Proposed options

The following three options to address issue 3 are proposed:

- **Option 1:** status quo
- **Option 2:** restrict *take* from the wild
- **Option 3:** prohibit *take* from the wild

Option 1 – status quo

Option 1 proposes to retain the status quo by retaining the existing exemptions for *taking* and *keeping* protected scorpions, spiders, and least concern amphibians from the wild for *recreational purposes*.

Option 2 – restrict *take* from the wild for *recreational purposes*

Under this option:

- Protected scorpions and spiders can only be taken from the wild under a wildlife harvesting licence, collection authority, educational permit, or scientific purposes permit.
- Amphibians can only be taken from the wild under a collection authority, educational permit, or scientific purposes permit. Given the risk of spreading disease to captive populations or between wild populations, and misidentification issues with species, wildlife harvesting licences will not be issued for amphibians. The other licences are for small scale animal interaction purposes. These activities present less potential for diseased animals to be introduced into captive breed populations.
- The *keep* of these animals for *recreational purposes* or *commercial purposes* will require a licence, and recreational keepers must purchase an animal from a licenced seller.

Option 3 – restrict *take* from the wild for recreational purposes and restrict commercial wildlife harvesting

Option 3 provides a similar regulatory framework to Option 2. However, this option also restricts the commercial harvest of protected scorpions and spiders from the wild to a greater degree than Option 1 (status quo). Under Option 3, commercial harvest would only be permitted if harvest can be determined to be sustainable, for example through population surveys.

While annual quotas are issued at the moment for the commercial harvesting of scorpions and spiders, it is uncertain as to whether these quotas are sustainable. This would require the implementation of monitoring programs, similar to the approach currently used for the macropod harvesting industry, which determine sustainable annual quotas.

Impact assessment

Business and industry

Benefits

Option 1 maintains the ability to commercially harvest protected scorpions and spiders as well as least concern amphibians from the wild.

The measures under Options 2 and 3 to ensure protected populations remain viable in the wild has long term benefits for the commercial *protected animal* sector.

Under Options 2 and 3, the recreational *take* of these animals from the wild will no longer be permitted, and harvest of these animals must occur under a wildlife harvesting licence. Therefore, it is likely there will be some economic benefit to business and industry. This is because a person seeking to *keep* these animals for a *recreational purpose* would be required to purchase an animal from a licenced business or person rather than collecting them from the wild. This will be of benefit to commercial operators who operate in this market. The restrictions on *taking* frogs may also reduce the risk of the chytrid fungal disease spreading into commercial captive-bred populations.

Whilst both Options 2 and 3 will prohibit the commercial harvesting of least concern amphibians, neither option will have an impact on current businesses as there are currently no commercial harvesting licences issued for amphibians. However, Option 2 has a greater benefit to commercial harvesting business than Option 3 as it does not prohibit commercial wildlife harvesting until a sustainable harvesting approach can be determined. Consequently, there will be no impact to the current commercial harvesters of scorpions and spiders.

Whilst there may be a cost for commercial harvesters, a prohibition on the commercial harvesting of scorpions and spiders from the wild under Option 3 may benefit commercial sellers. This is because a cessation – even if only temporary – of harvesting may increase the market price of captive bred protected species.

Costs

Option 1 does not impose any new economic costs on business and industry. This option maintains the ability to commercially harvest protected scorpions and spiders as well as least concern amphibians from the wild.

Option 2 may have an impact on any businesses that are contemplating seeking a commercial wildlife harvesting licence for amphibians. However, as there are currently no licences in effect, there is no measurable impact on business or industry.

Option 3 removes the ability for the licenced commercial wildlife harvesters – currently there are two – to *take* protected scorpions and spiders from the wild, until a sustainable harvesting approach is identified. To date, there have been no commercial harvesting licences issued for least concern amphibians. However, under this option, the harvesting of amphibian species from the wild would be prohibited.

While varying quotas have been placed on licences to harvest scorpions and spiders from the wild, it is uncertain as to whether these quotas have been, or are, sustainable. For the two current harvesting licences, the current harvesting quota for scorpions and spiders is 600 individuals per year. The estimated income loss of not issuing these licences is a maximum of \$15,000 for each operator per annum. This is based on commercial harvesters *taking* their full quota and selling all individuals at an average wholesale price of \$25 per animal. However, the ongoing sustainability of the commercial harvesting of spiders and scorpions may be threatened given the uncertainties around whether the current commercial *take* is sustainable and the concerns that the *take* of these species from the wild may contribute to the extinction of certain species.

It is also possible that an interim prohibition under Option 3 could have broader impacts on the retail sector if the captive-breeding programs cannot meet the public demand for these species. This may consequently result in a deficiency in animals available for sale, any may increase the purchase price of these animals from breeders, given the low market supply.

However, as outlined in the benefits section, measures to ensure protected populations remain viable in the wild has long term benefits for the commercial *protected animal* sector. If future research determines a sustainable level of harvesting for these species, commercial harvesting would be permitted to recommence.

Government

Benefits

There are no benefits to the government under Option 1. This is because this option maintains the unregulated *take* of protected scorpions and spiders, as well as least concern amphibians from the wild for *recreational purposes*. It also maintains the current commercial harvesting arrangements for scorpions and spiders. To date, there have been no commercial harvesting licences issued for least concern amphibians.

Unregulated *take* for *recreational purposes* limits the department's ability to monitor the rate of species taken from the wild, to ensure these animals are being appropriately dealt with when taken from the wild, and to minimise the risk of *illegal trade*. There is also insufficient data to determine whether the current quota for the commercial harvesting of scorpions and spiders is sustainable.

Options 2 and 3 rectify this by providing the government with the ability to regulate, and consequently monitor, harvesting. They may also reduce the accidental *take* of *threatened* frog species and disease risks for captive bred populations related to the *take* and release of potentially infected individuals. Further, by requiring a licence or permit to *take* and *keep* protected scorpions, spiders and least concern frogs, as is the case for all other *protected animals*, compliance efforts are expected to ease in relation to determining lawful and unlawful *take* of these species.

Although Option 3 best supports the government to meet its legislative obligations under the *Nature Conservation Act 1992* to ensure the *take* of all *protected animals* is ecologically sustainable, it may also have adverse consequences. This is because prohibiting commercial *protected animal* harvesting could inadvertently encourage unauthorised *take* for *commercial purposes*, where captive bred stock cannot meet the public demand for these species.

Costs

The economic costs to government under Option 1 are neutral. However, this option maintains a framework that does not ensure the *take* of protected scorpions and spiders and least concern frogs is sustainable. This may threaten the conservation of these species in the wild. This option also provides opportunities for *illegal trade* because the *take* of these animals cannot be monitored. Additionally, any action taken to address non-compliance with licence requirements is hindered by the inability to substantiate whether an animal was lawfully acquired.

Under Options 2 and 3, where a person wants to *keep* a scorpion, spider or frog for personal use, a *standard licence* or *specialised licence* would be required. An *advanced licence* would be required for breeding and *trading*. The cost to the department for administering and undertaking compliance on these licences is covered by the proposed licence fees.

Under Option 3, the implementation of monitoring programs to support the identification of annual sustainable quotas for commercial harvesting will impose an economic cost on government. At a minimum, the annual estimated cost is \$200,000 until a sustainable quota is identified. This is based on consultation with the Queensland Museum and costs associated with the macropod monitoring program to determine annual macropod harvesting quotas. This cost is equivalent to employing two full-time scientists and does not include expenditure costs such as survey equipment, accommodation and travel costs.



Community and environment

Benefits

Option 1 maintains familiar arrangements for individuals *taking* protected scorpions and spiders as well as least concern frogs from the wild for *recreational purposes*. It also maintains the ability to commercially harvest protected scorpions and spiders as well as least concern amphibians from the wild.

Options 2 and 3 both implement measures that allow the government to monitor species taken from the wild and minimise the risk of *illegal trade*. They are also designed to ensure protected populations remain viable in the wild. They may also improve animal welfare outcomes because licence holders who *keep* animals must keep the animal in a way that ensures the likelihood of escape, injury or ill-health of the animal is minimised, in accordance with the current code of practice. These options may also reduce the risk associated with accidental *take* of *threatened* frog species, and the risk of spreading disease through the *take* and release of potentially infected individuals.

Option 2 provides the greatest benefits to the community and environment. This is because the benefits under Option 3 may be offset by prohibiting the commercial harvesting of scorpions and spiders which could result in unauthorised *take*. This could occur where current captive bred stock cannot meet the public demand for these species. This option could also significantly increase the price of these species, which could encourage *illegal trade* or unlawful *take* from the wild for recreational *keeping*. However, increased prices may also reduce demand for these species.

Costs

Option 1 does not address the current deficiencies that limit the ability of the government to monitor and determine the sustainable *take* of protected scorpions, spiders and least concern amphibians from the wild. This option also provides opportunities for *illegal trade*.

Options 2 and 3 propose to continue the current requirement of no licence fee for a collection authority, educational permit, or scientific purposes permit, and the same licence fee for wildlife harvesting licences, given the small-scale nature of these activities.

Despite this, these options would impose some economic costs on the community. This is because *taking* these animals from the wild for *recreational purposes* is currently permitted as long as they are not sold or given away. Animals can currently be bought or accepted as long as they are received from an authorised provider.

Under these options, in order to *keep* scorpions, spiders and frogs for *recreational purposes*, a *standard licence* or *specialised licence* will now be required. A *standard licence* costs \$59.20 while a *specialised licence* costs \$316.90. In addition to the licence cost, will be the cost of purchasing the animal. As the *taking* of these animals is currently unregulated and therefore unmonitored, the total cost to the community cannot be determined, but there is a risk that increased purchasing may drive up prices in the commercial sales market. However, the requirement to be licenced to *keep* and *trade* these animals, means that this requirement now applies equitably to all persons *keeping protected animals for recreational purposes*.

From an environmental perspective, restricting the commercial harvesting of protected scorpion and spiders under Option 3 could see a reduction in the availability of captive-bred protected spiders, and could create significant monetary incentives for the *illegal trade* of these species.

Problem 3: Administrative and minor policy changes

The review of the *Nature Conservation Regulations* has also identified opportunities to clarify, streamline and simplify regulatory requirements, as well as remove regulatory burden to ensure the regulations are administered efficiently and effectively.

Splitting the management of plants and animals across the *Nature Conservation Regulations* is proposed for an improved understanding of the requirements for managing *protected animals*. This will mean that requirements for animals or plants within the Nature Conservation (Administration) Regulation 2017, Nature Conservation (Wildlife Management) Regulation 2006 and Nature Conservation (Wildlife) Regulation 2006 will be replaced with a single regulation for animals and a single regulation for plants.

A number of amendments, discussed further in this section, will also be made to:

- exempt a number of low-risk activities from requiring an authority, permit, or licence;
- provide clarification in relation to responsibility and liability in certain instances; and
- manage approach distances for certain animals in the wild.

Amendments will also be made to correct grammatical errors, improve sections and clarify definitions where the intent is not clear, correct outdated terminology, and remove duplicated requirements.

Removal of authority, permit, or licence requirements for a number of low-risk activities

An analysis of authority, permit, and licence types has identified that a number of requirements under these approvals pose no risk to the conservation status of Queensland's native species. Removing these requirements is proposed with the aim of reducing administrative burden.

Museum Licences

A museum licence may only be issued to a State museum. Currently there are only two museum licences in effect. They are issued to the Queensland Museum and the Board of the Queensland Museum – covering metropolitan (e.g. Brisbane) and regional museums. A museum licence allows these museums to *take*, buy or accept, *keep*, *use*, and process live or dead species identified on the licence for educational and scientific purposes.

Removing the requirement for a museum to be licenced for undertaking educational and scientific activities is proposed because they are considered to be low risk activities, as they pose no threat to the conservation or survival of *protected animals* in the wild. This is because museums currently receive specimens of *protected animals* from the public for the purposes of identification and preservation in the State collection. The licence requires the museum to ensure these species are sufficiently documented, and include information from the person providing the specimens.

A self-administered record-keeping approach would achieve the same outcomes as the licence, without the administrative requirements associated with applying for, and issuing a licence. This approach would maintain the current restrictions, which include the prohibition to sell or give away animals, and to *take protected animals* from a protected area without relevant approvals from the Department of Environment and Science.

A museum licence does not incur a fee under the current framework. Removing the requirement for a licence therefore presents a minor cost saving to the department, as the cost of assessing and administering these licences will no longer be required.

Damage Mitigation Permit for Airport Authorities

The presence of animals in or near an airport can cause significant safety hazards – including for example, bird strike to aircraft. Airport authorities undertake a range of management actions to minimise this risk. The actions that authorities *take* are stated in a 'Property Management Plan'. One of these actions, as a last resort, is to lethally control animals that present a risk.

Under the existing framework, airport authorities in Queensland are required to obtain a damage mitigation permit for the lethal *take* of *protected animals*. These damage mitigation permits are only issued where the airport authority demonstrates through their Property Management Plan that they will first exhaust all non-lethal measures. The non-lethal measures include landscape modification to deter habitation by animals and the maintenance of structures to clear breeding grounds for birds. However, due the public safety issues associated with animal impacts on aircraft, permits are always granted.

Airport authorities are required to submit a *return of operations* each year identifying the numbers of animals killed in accordance with their lethal *take* permit. These returns indicate that lethal *take* has been minimal, and well under that which is authorised under these permits.

Consequently, to ensure the safety and wellbeing of the public and commercial aircraft with minimal administrative burden, it is proposed to create an exemption to allow the airport authorities to *take* all *protected animals* in accordance with their Property Management Plans. These plans will need to be developed in accordance with a Code of Practice.

The exemption will continue to authorise the *take* of animals to prevent damage or loss and ensure the health and wellbeing of the public. Non-lethal measures will continue to be required in the first instance as part of the exemption. Where the lethal *take* is outside of the scope of their plan, the airport authority will be required to apply for a damage mitigation permit.

The proposed exemption will be limited to airports operating commercial and passenger flight as, due to the level of operation, the risk to public safety and wellbeing is greater compared to private airstrips.

Collection Authorities (Australian Defence Force)

The Australian Defence Force (ADF) undertakes survival training exercises throughout the state and is often required to *take* and *keep protected animals* as part of survival training. The ADF is currently exempt from requiring a collection authority to *take* and *use* least concern *protected animals* where the training exercises are conducted on Commonwealth land and the *use* of the *protected animal* is or will be consistent with the military standing order prepared. The *take* and *use* of least concern animals for training exercises or exercises consistent with the military standing order prepared in areas other than Commonwealth land require a Collection Authority. Collection authorities however, are rarely required, with the last authority being issued to the ADF in 2008.

It is proposed to expand the current exemption to exempt the ADF from a collection authority providing that the activity takes place on non-protected area estate, the *protected animal* is least concern, and the *use* of the *protected animal* is or will be consistent with the military standing order prepared.

Discarded animal parts

The department has noted an increase in individuals seeking approval to collect, *keep*, and *use* dead *protected animal* parts from the wild. For example, a common activity is the *taking* of discarded feathers from protected birds. Despite the increase in popularity of collecting dead *protected animal* parts, this activity does not pose a risk to the conservation of wild populations of *protected animals* as collection is only permitted where the animals have naturally discarded the part (i.e. people are not permitted to pluck a feather from a protected bird found in the wild).

There is currently no authority that is fit-for-purpose for this activity. Currently, a harvest licence should be issued for taking these discarded parts, however this licence requires payment of the 'conservation value' for the species. This value ranges from \$1,785 to \$17,941 depending on the conservation status of the species, and is disproportionate to the value of what is being collected.

The proposed framework will provide an exemption to individuals to collect, *keep*, and *use* discarded or naturally shed dead parts of a *protected animal* for a private collection (i.e. snake skin, glossy black-cockatoo tail feather).

The proposed exemption will not include the collection and *use* of parts or whole dead *protected animals* with the intent to commercially gain from the sale of the collected parts. This includes, for example, the *taking* of naturally discarded feathers for sale to a local artist for inclusion in their artwork. However, requirements for a harvest licence will be amended provide the Chief Executive with discretion to waive all or part of the conservation value for an animal to ensure that this requirement is proportionate to the activity being undertaken.

These changes will not apply to parts that have been discarded or natural shed within the protected area estate.

Clarifying responsibility and liability

Wildlife authority holders and relevant person/s responsibilities and liability

Some wildlife authorities under the current framework can authorise multiple people to undertake activities under the authority. For example, a *commercial wildlife licence* provides for the authority holder, and other relevant persons to undertake activities. However, there is currently a lack of clarity under the *Nature Conservation Regulations* as to who has responsibility and liability for actions, such as record-keeping, under these authorities (i.e. is it the authority holder or a relevant person).

It is proposed to clarify that the authority holder is ultimately responsible for the actions of another person authorised under the authority. For example, a pet shop owner may be the authority holder and their employees are authorised persons. The amendment will clarify that the pet show owner is responsible for ensuring that their employees act in accordance with the authority requirements.

Managing approach distances for wild animals

Specifying an approach distance for seals

While seals are not common in Queensland, fur seals (usually found in temperate waters), particularly juveniles, occasionally reach southern Queensland. In recent years, they have been seen in Moreton Bay, in waters off Scarborough, and on North Stradbroke Island.

In the interest of the health and wellbeing of the seal, a seal that has come ashore needs to be provided space to rest and recover. This is also in the interest of public safety as seals may become aggressive if approached, especially if they are tired or injured.

Consequently, it is proposed to establish a 50m approach distance restriction for seals in the wild that have come ashore. This means that unauthorised people must not come within 50m of the animal. The proposed approach distance is consistent with those for other marine mammals – such as dolphins.

Drone approach distance

The definition of ‘aircraft’ under the framework does not extend to Unmanned Aerial Vehicles (UAVs), such as drones. Due to the popularity of UAVs for filming, particularly around marine mammals, a new approach distances for UAVs is required. While approach distances for other aircraft are already specified in the regulation, cetacean experts have suggested that a 100m UAV approach distance for marine mammals is suitable.

Modernisation

Mutation of reptiles

The mutation of captive-bred animals involves intentionally breeding animals of the same species to genetically express certain physical features in future generations. Mutations are typically associated with colouring and markings favourable in the native animal market. For example, the colour variations in captive-bred budgerigars, when compared to wild populations, is a result of generational breeding of mutations over time.

Currently in Queensland, although the mutation of birds is authorised under a *commercial wildlife licence* and *recreational wildlife licence*, the mutation of reptiles is not. This is because at the time of making the current regulations, breeding bird mutations was common practice, whilst it was not in the reptile keeping industry. As the reptile keeping industry has expanded since the making of the regulations, and mutation is now permitted in other jurisdictions, it is proposed to allow people to breed to allow mutations. However, breeding hybrids between different bird species or different species of reptiles will remain prohibited.

Consultation

Discussion Paper Consultation Summary

The discussion paper—‘Reviewing the framework for the management of protected wildlife (animals) in Queensland’ – was released for public consultation over a four week period in July 2016. The purpose of the discussion paper was to seek feedback to inform the *Regulatory Impact Statement* on the current regulation of *protected animals*, including the strengths and weaknesses of the current framework.

The discussion paper proposed allowing the *Nature Conservation Regulations* to expire, remaking the regulations with no change, or remaking the regulations to address the identified deficiencies with the framework. The discussion paper identified issues as:

- an outdated and inefficient licencing framework for *keeping protected animals*;
- record-keeping requirements that facilitate *illegal trade*;
- the unregulated *take* of animals from the wild that threatens the long-term viability of wild populations; and
- authorities issued for *commercial protected animal services* and protected animal rehabilitation are unclear and not fit-for purpose.

The submissions provided overwhelming support for remaking the regulations to address the identified policy issues. A total of 50 submissions were received on the discussion paper from conservation groups, industry bodies, environmental consultants, wildlife carers, specialty wildlife groups, government, and the general public.

The submissions provided general consensus for a revised animal licencing framework to reduce the risk of *illegal trade*. In addition, the following were raised as issues:

- the disproportionate number of species available for *keeping* under *recreational wildlife licences* compared to *commercial wildlife licences*;
- the ability for recreational holders to undertake commercial activities; and
- inconsistencies in the way species are regulated in comparison with other states.

Transitioning to an electronic record-keeping system was also supported. It was noted that an electronic system would support the timely completion of *records*, and provide a centralised record-keeping system of benefit for both licence holders and the government in ensuring licence requirements are met.

There was also consensus for regulating the *take* of protected scorpions and spiders as well as least concern amphibians from the wild to ensure the long-term viability of these species is not *threatened*. Feedback was also received in support of clarifying, streamlining and simplifying regulatory requirements.

Submissions raised significant concerns with the current framework for *commercial protected animal services*, the need to clarify and define regulation of animal breeding places, and issues associated with rehabilitation of sick, injured and orphaned protected animals. These issues are significant and will be addressed in an industry specific discussion paper (see page 3 for further information on how to register for updates).

A number of other issues were also raised that are considered out of scope for the review. These include authorising the *keep* of mammals and crocodiles, and general protected plants updates and clarifications. Submissions relevant to the review for protected plants will be further considered through that review.

Attachment 5 provides a summary of issues raised during consultation on the discussion paper, and provides a justification for why some issues are considered to be out of scope.

Preferred option

This Consultation *Regulatory Impact Statement* presents a combination of preferred options which are considered to be the most effective in addressing the issues identified for the management of *protected animals* under the *Nature Conservation Regulations*. It is also considered that these options present the greatest net benefits to business and industry, government, the community and environment in meeting the objectives for remaking the regulations to:

- strengthen conservation outcomes;
- modernise the system for *keeping* and *trading protected animals*; and
- streamline the regulatory framework and reducing administrative burden.

Summary of preferred options

Keeping and trading protected animals

To address the increase of *illegal trade*, the preferred outcome is the introduction of a risk based licencing framework for *keeping* and *using protected animals*. The replacement of *commercial wildlife licences* and *recreational wildlife licences* with *standard licences*, *specialised licences* and *advanced licences* provides a clearer distinction between lower and higher risk activities.

Of the options – 2, 3 and 4 – presented for the different configurations of *standard licences* and *specialised licences*, Option 2 provides the strongest framework for managing the risk of *illegal trade*, and for pro-actively monitoring compliance. While breeding is prohibited and limitations on animal trading timeframes are common across these options, Option 2 provides the strongest limitations on the number of class 1 and 2 animals that can be kept. This reduces the incentive for trading under these licence types, which are for personal enjoyment for small scale animal keeping operations. This option restricts *standard licence* holders to class 1 animals, while *specialised licence* holders and *advanced licence* holders can *keep* both class 1 and class 2 animals.

The requirements for an *advanced licence* are the same under Options 2, 3 and 4. These licences have access to class 1 and 2 animals up to any current maximum licencing limits, with an unrestricted ability to breed and *trade*. Allowing access to class 1 and class 2 animals increases the range of animal species that can be sold commercially relative to the current framework. This removes current incentives to unlawfully *trade* animals or for *taking* them from the wild for breeding and trading purposes.

A revised fee structure for the revised licence types is also part of this package. This fee structure is based on achieving cost recovery for an improved compliance presence and to allow for a proactive, risk based compliance program in alignment with the department's *Regulatory Strategy*. This approach would double compliance efforts for *standard licences*, *specialised licences* and *advanced licences*, replacing current reactive compliance activities, which only monitor 3% of *commercial wildlife licences* and *recreational wildlife licences*.

Under this option, the majority (approximately 76%) of current *recreational wildlife licence* holders will transition from a \$78.60 licence to a \$59.20 *standard licence*. Licence fees will slightly decrease for current *recreational wildlife licence* holders wanting to *keep* specialised animals – such as venomous snakes – transitioning to a \$316.90 licence fee (currently \$323.50), whilst those that wish to undertake *trade* in *protected animals* will transition to a \$682.90 licence fee. The additional cost is required to ensure adequate compliance resourcing. *Recreational wildlife licence* holders requiring an *advanced licence* should, arguably, already be operating under a *commercial wildlife licence*. The \$682.90 *advanced licence* fee is significantly less than the current corresponding commercial fee (on average \$2,057). The commercial native animal industry will save approximately \$0.139 million per annum through the transition to *advanced licences*.

Record-keeping system

Of the options presented for modernising the record-keeping system, Option 2 is the preferred option. Under this option, all licence holders will be required to keep the same *records* as required under the current framework within the timeframe currently prescribed under the *Nature Conservation Regulations* (e.g. on the same day that an animal is obtained, born, or dies).

Specialised licence holders *keeping* specialised animals that are also highly desirable from a trading perspective, as well as *advanced licence* holders who undertake *high risk trade* will be required to keep *records* and complete *movement advices* on the department's *online system*. *Standard licence* can choose to enter these *records* in the *online system*, or continue to keep them in a hardcopy *record book*. However, where a hard-copy *record book* is used, the licence holder must annually submit a copy of these *records* to the department using the *online system*.

The alignment between the preferred licencing and record-keeping approaches is depicted in Figure 5.

ANIMAL TYPE ACTIVIY TYPE	EXEMPT ANIMALS <ul style="list-style-type: none"> • commercially abundant • commonly kept as pets • simple to keep • no conservation threat • very low poaching threat 	CLASS 1 ANIMALS <ul style="list-style-type: none"> • market availability • not commonly kept • simple to keep • low conservation risk • low poaching threat 	CLASS 2 ANIMALS <ul style="list-style-type: none"> • low market availability • conservation risk • requires specialised keeping skills • risk to public safety • susceptible to poaching
Primary intent to keep for personal enjoyment	No licence required (very low compliance risk)	Standard licence <i>(low compliance risk)</i> \$59.20 for 5 years Voluntary online <i>records</i> & reporting Mandatory annual reporting if hardcopy <i>records</i> are used	Specialised licence <i>(moderate compliance risk)</i> \$316.90 for 5 years Mandatory online <i>records</i> & reporting
Primary intent to <i>trade</i> and breed <i>native animals</i>	No licence required (very low compliance risk)	Advanced licence <i>(high compliance risk)</i> \$682.90 for 3 years Mandatory online <i>records</i> & reporting	Advanced licence <i>(very high compliance risk)</i> \$682.90 for 3 years Mandatory online <i>records</i> & reporting

Figure 5: Alignment between the preferred licencing and record-keeping⁸

⁸ A single advanced licence will allow class 1 and class 2 animals, however those who keep or trade class 2 licences present a higher compliance risk

Examples under proposed new framework – new licence types and record-keeping requirements

Examples under proposed new framework

- A person currently keeping captive-bred budgerigars, rainbow lorikeets or galahs can continue to *keep*, breed, and *trade* them without a licence as they are all *exempt animals*.
- A person currently keeping two children’s pythons (*Antaresia childreni*) and an eastern blue-tongue lizard (*Tiliqua scincoides*), who does not wish to breed or *trade* their animals, will transition from a \$78.60 *recreational wildlife licence* to a \$59.20 *standard licence* as they are all class 1 animals. They will record details of their animals (e.g. *movement*, *death*) in either:
 - the online record-keeping system; or
 - their hard-copy *record book*, and annually submit this record via the online record-keeping system.
- A person currently *keeping* four children’s pythons (*Antaresia childreni*), who does wish to breed or *trade* their animals, will transition from a \$78.60 *recreational wildlife licence* to a \$682.90 *advanced licence*, as although they are class 1 animals they are seeking to breed and *trade*. They will record details of their animals (e.g. birth, death, sale, *movement*) in the online record-keeping system.
- A person *keeping* one taipan (*Oxyuranus species*) will transition from a \$314.80 recreational (restricted) licence to a \$316.90 *specialised licence* as this is a class 2 animal. They will record details of their animals (e.g. *movement*, *death*) in the online record-keeping system.
- A person currently keeping two green pythons (*Morelia viridis*), now a class 2 animal, will transition from a \$95.95 recreational (international) licence to a \$316.90 advanced licence. They will record details of their animals (e.g. *movement*, *death*) in the online record-keeping system.
- A person currently *keeping* two splendid fairy-wrens (*Malarus splendens*) and two eclectus parrots (*Eclectus spp.*), now all class 2 animals, will transition from a \$332.15 recreational (restricted & international) licence to a \$316.90 specialised licence. They will record details of their animals (e.g. *movement*, *death*) in the online record-keeping system.
- A person currently keeping twenty children’s pythons (*Antaresia childreni*) and ten eastern blue-tongue lizards (*Tiliqua scincoides*), will transition from a \$78.60 recreational wildlife licence to a \$682.90 *advanced licence*, as they are keeping more than 5 class 1 animals. They will be provided with the unlimited ability to breed and trade their animals, and will record details of their animals (e.g. birth, death, sale, *movement*) in the online record-keeping system.
- All pet shops will transition from a *commercial wildlife licence* ranging between a \$31.20 and \$2,410 licence fee to a \$682.90 *advanced licence (3 year term)*. They will be permitted to *keep*, breed, and *trade* all class 1 and class 2 animals, and will record details of their animals (e.g. birth, death, sale, *movement*) in the online record-keeping system.

Dealing with *protected animals* in the wild

The preferred option for ensuring the long-term viability of protected scorpions and spiders as well as least concern amphibians in the wild, is Option 2. This option requires that these species are only taken from the wild under a wildlife harvesting licence, a collection authority, an educational permit, or a scientific purposes permit. It also has the benefit, relative to Option 3, of reducing the risk of unauthorised *take* of these species by not prohibiting commercial harvest.

Wildlife harvesting licences will not be issued for amphibians to reduce the potential for transmitting the chytrid fungal disease to uninfected captive-bred populations. Captive-bred animals are those that are commonly kept and traded. The other licences are for small scale animal interaction purposes, with these activities presenting less potential for diseased animals to be introduced into captive breed populations.

Where a person wants to *keep* a protected scorpion or spider or a least concern amphibian for personal *use* or for recreational or commercial trading, a *standard licence*, *specialised licence* or an *advanced licence* would be required. Under current requirements they would also need to obtain the animal from captive-bred stock from an authorised provider.



Streamlining the regulations and reducing regulatory burden

The minor policy issues also align with the proposed modern and risk based approach for remaking the regulations. These are not anticipated to have any adverse effect on government, business or the community, and are designed with the objective of streamlining the regulatory framework and reducing administrative burden.

Impact analysis summary for preferred options

Business and industry

Preferred option	Benefits	Costs
<i>Keeping and trading protected animals</i>	<p>Majority will be subject to a lower licence fee than under the current framework</p> <p>Permitted to <i>keep</i> and <i>trade</i> a wider range of animals, providing consistency with persons who <i>keep</i> and <i>trade</i> animals for <i>recreational purposes</i></p> <p>Licence simplified from seven types to one type</p>	<p>Some businesses may be subject to a higher licence fee than under the current framework</p>
Record-keeping system	<p>Will have access to an <i>online system</i> for <i>movement advices</i> and making <i>records</i>, automatically lodging this information to the department and removing the cost of hard-copy <i>record books</i></p> <p>Quality of <i>records</i> may improve</p>	<p>Upgrading of equipment or internet access may be required in order to use the electronic system. However, if this would cause a hardship, approval to continue with hard-copy records may be granted.</p>
Dealing with <i>protected animals</i> in the wild	<p>Potential increase in sales of scorpions, spiders and amphibians</p>	<p>Any future business venture for harvesting least-concern amphibians will no longer be permitted</p>
Streamlining the regulations and reducing regulatory burden	<p>Some businesses and industry will no longer require a licence (e.g. damage mitigation permit for airport authorities)</p> <p>Authority will no longer be required for collecting discarded animal parts for commercial <i>use</i></p> <p>Chain of responsibility for businesses will be clarified</p> <p>Mutation of captive-bred reptiles will be permitted</p> <p>Improved readability of the regulatory requirements – fostering enhanced understanding and compliance</p>	<p>Nil identified</p>

Government

Preferred option	Benefits	Costs
<i>Keeping and trading protected animals</i>	Risk-based framework allows for an increased and enhanced pro-active compliance approach Cost-recovery is provided Licence types simplified	Nil identified
Record-keeping system	Government has greater access to essential <i>records</i> in as close to real-time as possible Receipt of <i>records</i> enables implementation of risk-based and pro-active compliance program Quality of <i>records</i> may improve Increased safety for investigating officers	Establishment of the <i>online system</i> . Costs to process paper-based <i>records</i> submitted to the department
Dealing with <i>protected animals</i> in the wild	Provides government with the ability regulate and monitor wildlife harvesting	Nil identified
Streamlining the regulations and reducing regulatory burden	Reduced burden on the State to assess and issue licences and authorities in low-risk situations Improved readability of the regulatory requirements – fostering enhanced understanding and compliance	Nil identified

Community

Preferred option	Benefits	Costs
<i>Keeping and trading protected animals</i>	Majority will be subject to a similar licence fee to that under the current framework –at least 76% are expected to transition from a \$78.60 recreational (standard) wildlife licence to a \$59.20 <i>standard licence</i> Potential to <i>keep</i> and <i>trade</i> some animals that are not currently permitted in Queensland Potential reduction in cost of purchasing animals, as a result of increasing the animals permitted to be kept and sold by commercial operators	Some recreational keepers will be subject to a higher licence fee than that under the current framework. The greatest impact will be on licencees who transition from a \$78.60 recreational (standard) wildlife licence to a \$682.90 <i>advanced licence</i> – it is anticipated that up to 14% of licencees will fall in this category. Potential effects on wild populations where animals newly permitted in Queensland are released – accidentally or

Preferred option	Benefits	Costs
	<p>Reduced risk of wildlife poaching and trading Potential increased community awareness and education on species conservation</p>	<p>deliberately</p>
<p>Record-keeping system</p>	<p>Will have access to an <i>online system</i> for <i>movement advices</i> and making <i>records</i>, automatically lodging this information to the department and removing the cost of <i>hard-copy record books</i> Quality of <i>records</i> may improve</p>	<p>Upgrading of equipment or internet access may be required in order to use the electronic system. However, if this would cause a hardship, approval to continue with <i>hard-copy records</i> may be granted. Purchase and postage costs for those that continue to use and submit <i>hard-copy records</i></p>
<p>Dealing with <i>protected animals</i> in the wild</p>	<p>Potential improvement in animal welfare through requiring compliance with licence conditions Reduced risk of accidental <i>take</i> of the wrong species Increased viability of wild populations of animals Reduced risk of spreading disease to wild populations – especially amphibians</p>	<p>Keeping animals for <i>recreational purposes</i> will now require a relevant licence, and purchase of the animal from a licenced seller.</p>
<p>Streamlining the regulations and reducing regulatory burden</p>	<p>Authority will no longer be required for collecting discarded animal parts for <i>recreational use</i> Mutation of captive-bred reptiles will be permitted Improved readability of the regulatory requirements – fostering enhanced understanding and compliance Approach distances for wild animals will be improved and clarified to ensure animal and community safety and wellbeing</p>	<p>Nil identified</p>

Consistency with other polices and regulation

Competition Principles Agreement

The proposed legislative changes are consistent with clause 5 of the Competition Principles Agreement. The regulatory changes will not reduce competition for business and industry operating under the management framework for *protected animals*.

While some businesses may be subject to increased fees, the proposed fee increase will not compromise business viability or industry competition. By introducing a more contemporary regulatory framework, regulatory burden and inefficiencies will be reduced, allowing a more equal and competitive environment for businesses *keeping, using and trading protected animals* in captivity, or dealing with *protected animals* in the wild.

Fundamental Legislative Principles

The fundamental legislative principles (FLP's) under the *Legislative Standards Act 1992* have been considered in this regulatory impact analysis. Breaches of FLP's have been avoided in the identified options for reforming the regulation. Whilst the preferred option to address the record-keeping requirements that facilitate *illegal trade* (Issue 2) may raise concerns about the maintenance of the rights and liberties of individuals it does not breach this FLP.

The preferred option introduces a mandatory online record-keeping system for specialised and *advanced licence* holders. *Specialised licence* holders are permitted to keep specialised animals that are also highly desirable from a trading perspective. *Advanced licence* holders have an unrestricted ability to breed and *trade* both lower and higher risk animals from a trading perspective.

Standard licence holders are only required to use the *online system* once a year to submit *records*. Requiring all advanced and *specialised licence* holders to use an *online system* to keep and submit *records*, and requiring *standard licence* holders to use the *online system* to submit *records* is necessary to effectively monitor and reduce the *illegal trade of protected animals*. However, in order to meet the regulatory requirements for their licence this approach requires all licence holders to have access to a computer and internet.

To ensure the regulation avoids inconsistencies with the maintenance of the rights and liberties of individuals, all record-keeping options allow for a licence holder to apply to the department to use a hardcopy record-keeping system, if required. This ensures that licence holders who cannot access a computer or the internet are not subject to unnecessary hardship.

Implementation, evaluation, implementation and compliance support strategy

Implementation Strategy

The regulatory framework to support the management of *protected animals* in Queensland is proposed to commence on 1 September 2019. Should the licencing framework change, all existing licence holders will continue to operate under their licence until it expires or they seek a new licence – whichever comes first. Consequently, it will take up to five years for some licence holders to transition into the new framework, depending upon when they received their licence.

The department has established an advisory committee with key sectoral representatives to assist in communicating implementation. This is in addition to advisory web material that will be published, including for example, on pages that provide advice about the department's licencing and permit framework for *keeping and trading protected animals*.

Evaluation Strategy

The proposed legislation will be reviewed within 10 years of commencement. The measures that will be used to evaluate improvements and the effectiveness of the framework, relative to the status quo, include:

- Effectiveness of new regulations in reducing government administrative burden, which may, for example, be measured by:
 - decrease in staff resources/time dedicated to assessing and issuing permits and licences for low-risk activities; and
 - increase in efficiency for staff to locate records and details for permit holders, and undertake compliance checks against records;
- Realisation of a cost-neutral approach to administration of the wildlife (animal) permit and licencing system as measured by:
 - the recovery of costs – which could be measured by comparing departmental assessment and compliance costs with licencing fee revenue;
- Effectiveness of the new permit and recording system in compliance monitoring and enforcement programs, which may, for example, be measured by:
 - development and implementation of a compliance and enforcement program that focusses on higher-risk activities;
 - increased efficiency for staff to locate and analyse *records* when investigating potential instances of non-compliance; and
 - detection of changed trends in *illegal trade* by the Queensland Government or law-enforcement bodies.
- Increased equitability in permit and licencing framework, which may, for example, be measured by:
 - the number of current *commercial wildlife licence* and *recreational wildlife licence* holders undertaking *trade* being subject to the same new permit type; and
 - consistency between Queensland and other states in species being permitted to be taken, kept, and used.

Glossary

- **Advanced licence:** A proposed licence allowing individuals and businesses to undertake larger scale keeping operations, providing them with a high level of access, breeding and trading ability for all class 1 and class 2 animals.
- **Commercial animal:** All protected scorpions and spiders and a category of protected birds and reptiles that can be kept in captivity under an appropriate authority. Commercial animals are listed under Schedule 4, part 3 of the Nature Conservation (Wildlife Management) Regulation 2006. Generally, commercial animals are those that are commonly kept and traded. A commercial wildlife licence or recreational wildlife licence is required to keep these animals.
- **Commercial protected animal services:** Includes commercial services such as conducting surveys of protected animals, removing and relocating protected animals (where the animal may cause damage or loss or represents a threat to human health or well-being), undertaking spotter catcher services during clearing and undertaking works associated with animal breeding places. These services are currently regulated under a Scientific Purposes Permit, a Damage Mitigation Permit, or a Rehabilitation Permit.
- **Commercial wildlife licence:** An authority issued under the Nature Conservation (Wildlife Management) Regulation 2006, allowing businesses to keep and use (buy and sell) protected animals for gain or reward, however restrictions apply.
- **Commercial purpose:** A person does an act for a commercial purpose if the act is for a gain or reward. For example, a person takes, keeps or uses protected animals for a commercial purpose if the activity is for a gain or reward, or the animal is used for is part of a business activity. A commercial purpose is described under section 6 of the Nature Conservation (Wildlife Management) Regulation 2006.
- **Exempt animal:** a protected animal that can be kept in captivity without an authority. These animals are listed in schedule 4, part 1 of the Nature Conservation (Wildlife Management) Regulation 2006
- **Farm animal:** a farmed protected animal that is a venomous snake, birdwing butterfly, emu, estuarine crocodile, freshwater crocodile, Ulysses butterfly or water buffalo, that is wild by nature and is farmed, or has been lawfully taken from the wild or moved into the State, for use for farming.
- **Hardcopy system:** A paper-based system for keeping records under an authority.
- **High risk trade:** Trade in protected animals by licence holders who undertake larger scale keep and trade of protected animals, including trade for both commercial purposes and recreational purposes under the current framework. These are licence holders that are not subject to trading or breeding restrictions, including bird and reptile hobbyists and breeders and commercial traders that are likely to keep and trade a greater number and variety of species.
- **Illegal trade:** Illegal trade refers to activities where a protected animal is illegally poached from the wild and kept by a person or sold to other people. Illegal trade also includes the unauthorised buying, selling, receiving or giving away of protected animals.
- **International animal:** The green python and eclectus parrot are listed as international wildlife under Schedule 7 of the Nature Conservation (Wildlife) Regulation 2006, as these protected animals also have a natural range outside Australia.
- **Keep(ing):** Keeping an animal involves having that animal in your possession or under your control, even if the animal is owned by somebody else.
- **Movement:** Movement of a protected animal from one place to another, or otherwise selling, disposing of, giving away, buying, accepting, and acquiring a protected animal.
- **Movement advice:** A movement advice is a form which records information about the movement of a protected animal, and notifies the department of the movement.
- **Movement permit:** A movement permit allows the department to authorise the movement of a protected animal, where the movement is otherwise not authorised. A licence holder must apply to the department to move an animal under a movement advice.
- **Native wildlife:** wildlife that is indigenous to Australia.
- **Nature Conservation Regulations:** A collective term for the subordinate legislation under the *Nature Conservation Act 1992*. Under this review the term Nature Conservation Regulations refers to the Nature Conservation (Wildlife Management) Regulation 2006, the Nature Conservation (Administration) Regulation 2017, and the Nature Conservation (Wildlife) Regulation 2006.

- **Near threatened:** a protected animal that is listed as a near threatened under the Nature Conservation (Wildlife) Regulation 2006.
- **Online system:** An online record-keeping system where authority holders can use the internet to manage the administrative requirements of their licence including keeping records and completing movement advices.
- **Permit to keep wildlife:** an authority issued under the Nature Conservation (Wildlife Management) Regulation 2006 to allow a person to keep a protected, prohibited or international animal when there is no other wildlife authority that would be appropriate for allowing a person to keep the animal.
- **Protected animal:** an animal that is native to Australia and is prescribed under the *Nature Conservation Act 1992* as threatened, near threatened, or least concern.
- **Record:** A record of information related to a protected animal, kept in a record book or online system. For example, the date an animal was purchased, the type of animal that was purchased, and the name and licence details of the person the animal was purchased from.
- **Record book:** a record book supplied by the department, for the purpose of keeping records that must be kept under a wildlife authority.
- **Recreational animal:** A least concern amphibian or a category of protected birds and reptiles that can be kept in captivity. Recreational animals are listed under schedule 4, part 4 of the Nature Conservation (Wildlife Management) Regulation 2006. Generally these protected animals are not commonly kept or traded and can only be kept under a recreational licence.
- **Recreational wildlife licence:** An authority issued under the Nature Conservation (Wildlife Management) Regulation 2006, to allow a person to keep and use a protected or international animal for the person's own enjoyment. This authority allows a person to keep, use, move, buy, sell and breed protected or international animals for personal enjoyment, and as long as the activity is not considered a commercial purpose (i.e. gain or reward).
- **Recreational purpose:** Keeping or using an animal for a recreational purpose means a purpose other than a commercial purpose.
- **Regulatory Impact Statement:** The purpose of a Regulatory Impact Statement is to ensure regulatory best practice is met for the development, assessment and improvement of regulation. The purpose of a Regulatory Impact Statement is identify policy options to meet the objectives for addressing identified problems with regulations, and to assess the impacts (benefits and costs) of each of the policy options on business and industry, government and the community. Regulatory Impact Statements are developed against the Queensland Treasury guideline – 'The Queensland Government Guide to Better Regulation'.
- **Regulatory Strategy:** Regulatory Strategy, Department of Environment and Science, 2014. <http://www.ehp.qld.gov.au/management/planning-guidelines/policies/regulatory-strategy.html>
- **Restricted animal:** A threatened or near threatened amphibian or a category of restricted birds and reptiles that can be kept in captivity. Restricted animals are listed under Schedule 4, part 5 of the Nature Conservation (Wildlife Management) Regulation 2006. Generally, a restricted animal is a subclass of a 'recreational animal' and applies to animals that usually require specialised keeping skills or considered dangerous to keep.
- **Return of operations:** A return of operations summarises records of authorised activities under a licence. Return of operation must be submitted to the department within particular timeframes.
- **Specialised licence:** a proposed licence allowing small-scale hobbyists to keep class 1 and class 2 protected animals exclusively for the purpose of personal enjoyment.
- **Standard licence:** a proposed licence allowing small-scale hobbyists to keep class 1 protected animals exclusively for the purpose of personal enjoyment.
- **Take:** Taking an animal involves removing the animal from the wild. This includes undertaking, or attempting to undertake hunting, shooting, wounding, killing, poisoning, netting, snaring, spearing, trapping, catching, dredging for, bringing ashore or aboard a boat, pursuing, luring, injuring or harming the animal.
- **Trade/Trading:** includes the movement of a protected animal from one place to another, or otherwise selling, disposing of, giving away, buying, accepting, and acquiring a protected animal.
- **Use/Using:** Use of an animal involves moving, buying, selling, giving away, or processing the animal, or gaining any benefit from the animal.
- **Threatened:** a protected animal that is listed as an endangered or vulnerable animal under the Nature Conservation (Wildlife) Regulation 2006.
- **Wildlife farming licence:** an authority issued under the Nature Conservation (Wildlife Management) Regulation 2006 to allow a person to farm an animal listed as a *farm animal*.

Attachment 1: Detail for proposed licence framework

Background and assumptions for licencing framework

This Attachment provides an analysis of the assumptions and costings used to determine the proposed licence fees, which are consistent across the three Options – 2, 3 and 4 – considered for the configuration of *standard licences*, *specialised licences* and *advances licences*. It also outlines the base case (Option 1) against which the proposed fees were compared.

In order to determine a suitable new licencing framework, an analysis was required of the following elements of the current framework:

- current number of licences and their fees;
- current revenue generated from licence fees;
- animal-keeping practices of *recreational wildlife licence* holders;
- cost to the department for assessing licence applications; and
- costs to the department for undertaking compliance activities on licence requirements.

As the Department of Environment and Science (the department) does not have robust data for all these elements, to undertake this analysis, information based on a sample size of applications was provided by departmental officers.

Option one: Status quo

LICENCE FEES

The below tables specify the fee structure of the current licencing framework. These tables show the fees for each type of licence and the types of animals than can be kept. The fees for *commercial wildlife licences* are provided in Table 1, whilst fees for *recreational wildlife licences* are in Table 2.

For *commercial wildlife licences* (Table 1), an average fee amount was determined for each of the three licence terms. Averages were calculated because, although the department has records of the total revenue received for licences and the total number of licences issued, the department does not have data on the category or duration of each licence that has been issued. The average fee of \$2,057 for the > one year licence is used for estimating the new fees for industry because it is assumed that most *commercial wildlife licences* would be operating under this licence period for operational convenience.

Table 1: Cost for *commercial wildlife licence* categories

COMMERCIAL WILDLIFE LICENCE - CURRENT FEE (\$)			
Animal	1 month	1 month - 1 year	> 1 year
birds	133.50	665.00	1902.00
reptiles	133.50	665.00	1902.00
birds & reptiles	212.00	822.00	2342.00
scorpions & spiders	31.20	157.30	441.00
scorpions & spiders & reptiles	151.00	689.00	1970.00
scorpions & spiders & birds	151.00	689.00	1970.00
Dead animal (non-macropod)	133.50	665.00	1902.00
Everything	230.00	842.00	2410.00
AVERAGE COST	163.50	720.00	2057.00

Table 2: Cost for recreational wildlife licence categories

RECREATIONAL WILDLIFE LICENCE - CURRENT FEE (\$)	
Licence category	5yrs
Standard licence	78.60
International licence	95.95
Restricted licence	314.80
International & restricted licence	332.15

NUMBER OF LICENCES ISSUED

Table 3 identifies the average number of licences issued per year, based on data that has been extracted from the department's licencing record-keeping system from 2012 - 2017.

Table 3: Average licences issued per year

AVERAGE NUMBER OF LICENCES ISSUED BY DES PER YEAR							
Financial year	Number of recreational wildlife licences (RWL)				Number of commercial wildlife licences (CWL)		
	Total	Standard	Restricted	International	Total	< 1 year	1-3 years
2012 - 2013	8396	7892	168	336	121	12	109
2013 - 2014	7780	7313	156	311	121	12	109
2014 - 2015	8123	7636	162	325	87	9	78
2015 - 2016	7375	6933	148	295	77	8	69
2016 - 2017	6816	6407	136	273	100	10	90
Average per year	7698	7236	154	308	101	10	91

For the purpose of further analyses, the international and *standard licences* have been bundled together and termed 'RWL - standard'. This is because these two licence categories are treated similarly under the current framework in comparison to the proposed framework where *international animals* will be considered higher risk animals.

REVENUE FROM LICENCES ISSUED

The overall average revenue from licence fees is identified in Table 4. This is based on the average number of licences issued, as per Table 3 (average licences issued per year), and the licence fees from Tables 1 (cost for *commercial wildlife licence* categories) and 2 (cost for *recreational wildlife licence* categories).

Table 4: Average revenue from licence fees per year

Financial year	RWL Revenue		
	RWL (standard)	RWL (restricted)	RWL (international)
2012 - 2013	\$0.620M	\$0.054M	\$0.032M
2013 - 2014	\$0.575M	\$0.050M	\$0.030M
2014 - 2015	\$0.600M	\$0.053M	\$0.031M
2015 - 2016	\$0.545M	\$0.048M	\$0.028M
2016 - 2017	\$0.504M	\$0.044M	\$0.026M
Average per year	\$0.569M	\$0.050M	\$0.030M
SUB TOTAL	Total average RWL revenue		\$0.649M
Financial year	CWL Revenue		
	CWL (< 1 year)	CWL (1-3 years)	
2012 - 2013	\$0.009M	\$0.224M	
2013 - 2014	\$0.009M	\$0.224M	
2014 - 2015	\$0.006M	\$0.161M	
2015 - 2016	\$0.006M	\$0.143M	
2016 - 2017	\$0.007M	\$0.185M	
Average per year	\$0.007M	\$0.187M	
SUB TOTAL	Total average CWL revenue		\$0.195M
TOTAL AVERAGE REVENUE	TOTAL RWL + TOTAL CWL		\$0.843M

ANIMAL KEEPING ESTIMATES

The department has limited data on the animal-keeping practices of *recreational wildlife licence* holders. The data below was used to make assumptions about the number and type of animals that *recreational wildlife licence* holders are currently keeping. These assumptions form the basis for estimates of the current *recreational wildlife licence* holders that will align with and transition across to *standard licences*, *specialised licences* and *advanced licences*.

Departmental officers provided estimates based on:

- information the department receives through mandatory reporting – such as *movement advices* that record the type of animals that are moved by licence holders from one place to another;
- audits undertaken of licence holders' *record books*; and
- large-scale coordinated compliance and enforcement programs – such as programs through the Australian Criminal Intelligence Commission.

Based on this data, it is assumed that in relation to *recreational wildlife licence* holders:

- 98% keep commercially available, easy to keep, non-dangerous animals;
- 2% keep restricted animals (e.g. dangerous);
- 85% keep five animals or less;
- 5% keep more than five animals, but less than or equal 10; and
- 10% keep more than 10 animals.

CURRENT ESTIMATED ASSESSMENT COSTS

Table 5 identifies the estimated assessment costs for licences. These estimates are based on the number of hours departmental officers spend, on average, assessing each type of licence. Table 6 estimates the licence assessment costs per annum using the data from Tables 3 (average licences issued per year) and 5 (average assessment time and cost per licence) to identify the total estimated assessment cost to the department per annum.

Table 5: Average assessment time and cost per licence

Licence type	Assessment hours	Cost (at \$50/hr)
<i>Recreational wildlife licence – standard</i>	0.5	\$25.00
<i>Recreational wildlife licence – restricted</i>	4	\$200.00
<i>Commercial Wildlife licence</i>	8	\$400.00

Table 6: Total estimated assessment cost per annum

Licence type	No. licences/yr	TOTAL COSTS (\$)
<i>Recreational wildlife licence – standard</i>	7544	\$0.189M
<i>Recreational wildlife licence – restricted</i>	154	\$0.031M
<i>Commercial Wildlife licence</i>	101	\$0.040M
TOTAL COST	--	\$0.260M

CURRENT ESTIMATED COMPLIANCE COSTS

Compliance effort been separated into three main activities to estimate compliance costs. These are:

- desktop assessments;
- on-site inspections; and
- investigation and litigation.

Under the current compliance framework the majority of work undertaken is re-active, with limited to no capacity in some compliance offices to undertake a pro-active program.

Tables 7 and 8 identify the cost to the department for undertaking compliance activities. These estimates are based on the number of hours departmental officers spend, on average, undertaking audit activities for licences where compliance as well as non-compliance is found.

Table 7: Average cost of an audit requiring no compliance action

NO FURTHER ACTION REQUIRED (50% of audits)				
Activity	Hours	FTE	Total hrs (hrs x FTE)	COST (assuming average salary of \$50/hour)
Average time taken for 85% of licences keeping < 5 animals				
DESKTOP ASSESSMENT				
Pre inspection assessment	3	1	3	\$150.00
ON-SITE INSPECTION				
inspection	4	2	8	\$400.00
Post inspection reporting	2	1	2	\$100.00
Senior delegate approval of audit results	2	1	2	\$100.00
TOTAL			15	\$750.00
Average time taken for 15% of licences keeping > 5 animals				
DESKTOP ASSESSMENT				
Pre inspection assessment	4	1	4	\$200.00
ON-SITE INSPECTION				
inspection	6	2	12	\$600.00
Post inspection reporting	2	1	2	\$100.00
Senior delegate approval of audit results	2	1	2	\$100.00
TOTAL			20	\$1000.00

Table 8: Average cost of an audit requiring compliance action

FURTHER ACTION REQUIRED (50% of audits)				
Activity	Hours	FTE	Total hrs (hrs x FTE)	COST (assuming average salary of \$50/hour)
Average time taken for 85% of licences keeping < 5 animals				
DESKTOP ASSESSMENT				
Pre inspection assessment	3	1	3	\$150.00
ON-SITE INSPECTION				
Inspection	4	2	8	\$400.00
Post inspection reporting including drafting of formal warning or offence response	10	1	10	\$500.00
Senior delegate approval of audit results and issuing of formal warning or offence	2	1	2	\$100.00
TOTAL			23	\$1150.00
Average time taken for 15% of licences keeping > 5 animals				

DESKTOP ASSESSMENT				
Pre inspection assessment	4	1	4	\$200.00
ON-SITE INSPECTION				
Inspection	6	2	12	\$600.00
Post inspection reporting including drafting of formal warning or offence response	20	1	20	\$1000.00
Senior delegate approval of audit results and issuing of formal warning or offence	3	1	3	\$150.00
TOTAL			39	\$1950.00
INVESTIGATION & LITIGATION				
Referral to DES Investigation Unit	152*	-	152	\$7596.00
TOTAL			152	\$7596.00

*The average time to complete an investigation based on four case studies in 2015/16.

This approach allows the physical inspection of approximately 300 licence holders per year, full administration of movement advices and returns and 100% check of online licences.

Of the 300 audits, based on DES data:

- 50% are found to be compliant;
- 50% are required to be further investigated; and
- four audits are referred to the department's Investigation Unit for further examination.

Using these estimates and the cost per audit identified in Tables 7 (average cost of an audit requiring no compliance action) and 8 (average cost of an audit requiring compliance action), Table 9 identifies the average total cost for the current compliance framework. Using these figures, there is an average compliance cost (excluding investigation and litigation) of \$1030.00 per inspection. The total cost including investigation and litigation is \$0.600M.

Table 9: Average total compliance cost per year

Audit type	\$/AUDIT	No./year	TOTAL (\$)
Administrative review – analysis of advices/returns	16.70	15,600	\$0.261M
Compliant inspections (85% of licences < 5 animals)	750.00	127	\$0.096M
Compliant inspections (15% of licence > 5 animals)	1000.00	23	\$0.022M
Require further investigation (85% of licences < 5 animals)	1150.00	127	\$0.147M
Require further investigation (15% of licences > 5 animals)	1950.00	23	\$0.044M
Sub-total			\$0.570M
Investigation & litigation referrals	7596.00	4	\$0.030M
TOTAL COST PER YEAR (CURRENT ANNUAL COMPLIANCE)			\$0.600M

SUMMARY OF COSTS FOR STATUS QUO

Table 10 summarises the above information.

Table 10: Summary of status quo revenue and costs

Annual average fee revenue	Annual average assessment cost	Annual average compliance cost	Total annual average cost	Difference (revenue less cost to department)
\$0.843M	\$0.260M	\$0.600M	\$0.860M	-\$0.017M

OPTIONS 2, 3 AND 4 – STANDARD, SPECIALISED AND ADVANCED LICENCES

NUMBER OF LICENCES ISSUED

The number of *standard licences*, *specialised licences* and *advanced licences* depends on which of the following options is adopted:

- Option 2 –
 - *standard licence* – a maximum of five class 1 animals may be kept
 - *specialised licence* – a maximum of five animals may be kept, comprised of any combination of class 1 and class 2 animals
- Option 3 –
 - *standard licence* –keep of more than five class 1 animals is permitted
 - *specialised licence* –keep of more than five class 1 and class 2 animals is permitted.
- Option 4 –
 - *standard licence* –keep of more than five class 1 animals is permitted
 - *specialised licence* –keep of more than five class 1 animals is permitted and a maximum of five class 2 animals may be kept.

Option 2 provides the strongest limitations on the number of class 1 and 2 animals that can be kept for *standard licences* and *specialised licences*. Under all three options *advanced licence* holders have access to all class 1 and 2 animals up to any limits currently imposed on wildlife authorities (e.g. a maximum of 20 dangerous snakes may be permitted in a suburban setting).

Table 11 identifies the projected average number of licences issued per annum that will be distributed across Options 2, 3 and 4. These figures are based on the animal keeping assumptions outlined under Option 1 (status quo) and data from Table 3 (average number of recreational and *commercial wildlife licence* issued per year).

Table 11: Projected number of licences under Options 2, 3 and 4

Licence type	Option 2	Option 3	Option 4
	Number of licences	Number of licences	Number of licences
Standard	5889	6235	6235
Specialised	654	693	654
Advanced	1256	871	910
TOTAL	7799	7799	7799

ESTIMATED ASSESSMENT COSTS

The estimated assessment costs for a *standard licences*, *specialised licences*, and *advanced licences* are consistent across all Options – 2, 3 and 4. This is because the time and effort for the department to assess individual licence applications will remain the same regardless of the number and types of animals being kept under a *standard licence*, *specialised licence* or *advanced licence*. These costs are identified in Table 12 below. They are based on data from Table 5 (average assessment time and cost per licence), adjusted to the new proposed licence categories.

An additional 0.5 hours has been added to *standard licences* compared to the assessment costs of the current framework (status quo), to undertake an annual administrative review of keeping returns and movement advices. This cost does not apply to specialised and advanced licences given the mandatory requirement to use the department's online system which will automatically check and validate transactions such as movement advices.

Table 12: Average assessment time and cost per licence

Licence type	Assessment hours	Cost (at \$50/hr)
Standard	1	\$50.00
Specialised	4	\$200.00
Advanced	8	\$400.00

The total estimated assessment cost to government varies under Options 2, 3 and 4 because the number of these licences vary depending upon the option. The varying costs are identified in Table 13, using the data from Tables 11 (projected number of licences under Options 2, 3 and 4) and 12 (average assessment time and cost per licence).

Table 13: Total estimated assessment cost per annum

Licence type	Option 2		Option 3		Option 4	
	No.	Cost (\$)	No.	Cost (\$)	No.	Cost (\$)
Standard	5889	\$0.294M	6235	\$0.311M	6235	\$0.311M
Specialised	654	\$0.131M	693	\$0.138M	654	\$0.131M
Advanced	1256	\$0.502M	871	\$0.348M	910	\$0.364M
TOTAL	7799	\$0.927M	7799	\$0.797M	7799	\$0.806M

COMPLIANCE MONITORING PROGRAM

Under Options 2, 3 and 4 for the configuration of *standard licences*, *specialised licences* and *advanced licences*, all licences will be subject to a compliance check during the term of the licence.

The check will be either desk-top or field-based depending upon the licence type, as follows:

- an internal analysis will be undertaken on all online *standard licences*, and an on-site inspection will occur on approximately 2% of licences;
- an internal analysis will be undertaken on all *specialised licences*, and an on-site inspection will occur on approximately 10% of licences; and
- an internal analysis will be undertaken on all *advanced licences*, and an on-site inspection will occur on 15% of licences.

ESTIMATED COMPLIANCE COSTS

Based on the information in Table 7 (average cost of an audit requiring no compliance action) and Table 8 (average cost of an audit requiring compliance action), an estimate of the compliance cost for a compliant licence is \$150.00 – standard, \$950.00 – specialised, and \$1050.00 – advanced. When a desktop assessment or on-site inspection detects a non-compliant licence, the cost to the agency is \$1300.00 – standard, \$1400.00 – specialised, and \$1950.00 – advanced. Table 14 provides a summary of the compliance costings for each proposed licence type.

Table 14: Average cost of audit for each licence type

ADVANCED LICENCE – NO FURTHER INVESTIGATION				
Activity	Hours	FTE	Total hrs (hrs x FTE)	Cost (average salary \$50/hr)
Pre inspection audit	4	1	4	200.00

Inspection	6	2	12	600.00
Post inspection audit	2	1	2	100.00
SR approval	3	1	3	150.00
Total			21	\$1050.00
ADVANCED LICENCE – FURTHER INVESTIGATION REQUIRED				
Activity	Hours	FTE	Total hrs (hrs x FTE)	Cost (average salary \$50/hr)
Pre inspection audit	4	1	4	200.00
Inspection	6	2	12	600.00
Post inspection audit	12	1	12	600.00
ABR/PIN Letter	8	1	8	400.00
SR approval	3	1	3	150.00
Total			39	\$1950.00
SPECIALISED LICENCE – NO FURTHER INVESTIGATION REQUIRED				
Activity	Hours	FTE	Total hrs (hrs x FTE)	Cost (average salary \$50/hr)
Pre inspection audit	3	1	3	150.00
Inspection	6	2	12	600.00
Post inspection audit	2	1	2	100.00
SR approval	2	1	2	100.00
Total			19	\$950.00
SPECIALISED LICENCE – FURTHER INVESTIGATION REQUIRED (SPECIALISED LICENCES)				
Activity	Hours	FTE	Total hrs (hrs x FTE)	Cost (average salary \$50/hr)
Pre inspection audit	3	1	3	150.00
Inspection	6	2	12	600.00
Post inspection audit	6	1	6	300.00
ABR/PIN Letter	4	1	4	200.00
SR approval	3	1	3	150.00
Total			28	\$1400.00
STANDARD LICENCE – NO FURTHER INVESTIGATION REQUIRED				
Activity	Hours	FTE	Total hrs (hrs x FTE)	Cost (average salary \$50/hr)
Pre inspection audit	3	1	3	150.00
Total			3	\$150.00
STANDARD LICENCE – FURTHER INVESTIGATION REQUIRED				
Activity	Hours	FTE	Total hrs (hrs x FTE)	Cost (average salary \$50/hr)
Pre inspection audit	3	1	3	150.00
Inspection	5	2	10	500.00
Post inspection audit	6	1	6	300.00
ABR/PIN Letter	4	1	4	200.00
SR approval	3	1	3	150.00
Total			26	\$1300.00

Using the information provided in Table 8 (average cost of an audit requiring compliance action) and Table 9 (average total compliance cost per year), Table 15 estimates the annual cost of investigation and litigation referrals for each of the proposed scenarios. The investigation and litigation costs are based on the average number of licences expected to be issued each year and the average number of investigations requiring referral to litigation each year.

Table 15: Average cost of investigation and litigation (referral to DES Investigation Unit)

AVERAGE COST – INVESTIGATION & LITIGATION				
Option	Average number of licences	Number requiring investigation	Total Cost	Cost/licence
2, 3 & 4	7799	4	\$30,384.50	\$3.90

Using the estimated compliance costs from Table 7 (average cost of an audit requiring no compliance action and Table 8 (average cost of an audit requiring compliance action), and the licence numbers from Table 11, Table 16 identifies the total estimated compliance cost to the department under Options 2, 3 and 4.

Table 16: Total estimated compliance cost per annum

Licence type	Option 2		Option 3		Option 4	
	No. checked	Cost (\$)	No. checked	Cost (\$)	No. checked	Cost (\$)
Standard	118	\$0.031M	125	\$0.033M	125	\$0.033M
Specialised	65	\$0.074M	69	\$0.078M	65	\$0.074M
Advanced	188	\$0.350M	131	\$0.243M	136	\$0.254M
TOTAL	371	\$0.455M	325	\$0.354M	326	\$0.361M

SUMMARY OF COSTS

Table 17 summarises the total costs to the department under Options 2, 3 and 4 based on the data in Tables 13 (total estimated assessment cost per annum), 15 (average cost of investigation and litigation) and 16 (total estimated compliance cost per annum).

Table 17: Summary of costs

Option	Annual average assessment cost	Annual average compliance cost	Total cost
Option 2	\$0.927M	\$0.485M	\$1.412M
Option 3	\$0.798M	\$0.384M	\$1.182M
Option 4	\$0.806M	\$0.391M	\$1.197M

PROPOSED FEES

In order to achieve cost recovery for the department's costs under these options, the average annual assessment cost and average annual compliance cost must be divided by the projected number of *standard licences*, *specialised licences*, and *advanced licences*.

As the costs are proportional to the number of licences, the proposed fee is consistent across the three scenarios for the number of animals that can be kept. This process results in a fee that achieves cost-recovery for each licence type. The proposed fee is outlined in Table 18, while Table 19 identifies the total projected annual fee revenue for each option.

Table 18: Proposed licence fee

Licence type	Proposed fee
Standard	\$59.20
Specialised	\$316.90
Advanced	\$682.90

Table 19: Projected average fee revenue per annum

Option 2			
Licence type	Number of licences	Fee per licence	Total revenue
Standard	5889	\$59.20	\$0.348M
Specialised	654	\$316.90	\$0.207M
Advanced	1256	\$682.90	\$0.857M
TOTAL	7799	--	\$1.412M
Option 3			
Licence type	Number of licences	Fee per licence	Total revenue
Standard	6235	\$59.20	\$0.369M
Specialised	693	\$316.90	\$0.218M
Advanced	871	\$682.90	\$0.595M
TOTAL	7799	--	\$1.182M
Option 4			
Licence type	Number of licences	Fee per licence	Total revenue
Standard	6235	\$59.20	\$0.369M
Specialised	654	\$316.90	\$0.207M
Advanced	909	\$682.90	\$0.621M
TOTAL	7799	--	\$1.197M

SUMMARY FOR OPTIONS

Table 20 summarises the overall costs and benefits of Options 2, 3 and 4.

Table 20: Summary of revenue and costs

Option	Annual average fee revenue	Annual average assessment cost	Annual average compliance and investigation cost	Total average cost
Option 2	\$1.412M	\$0.927M	\$0.485M	\$1.412M
Option 3	\$1.182M	\$0.798M	\$0.384M	\$1.182M
Option 4	\$1.197M	\$0.806M	\$0.391M	\$1.197M

As the number of *recreational wildlife licences* transitioning to *standard licences*, *specialised licences* and *advanced licences* vary under Options 2, 3 and 4, there will be varying total costs and to the community under these options. The total estimated cost to the community for these options for each projected licence transition is identified in Table 21. This replicates detail in the impact analysis.

Table 21: projected licence transitions and cost to community and business

Licences that would be required to transition from 'Recreational (standard) Licence' to 'Standard Licence'							
Option	No. of licences/yr	Current \$/licence	Current cost to community	Proposed \$/licence	Saving \$/licence	Proposed cost to community	TOTAL SAVING FROM STATUS QUO
OPTION 2	5889	78.60	0.463M	59.20	19.40	0.349M	\$0.114M
OPTION 3	6235	78.60	0.490M	59.20	19.40	0.369M	\$0.121M
OPTION 4	6235	78.60	0.490M	59.20	19.40	0.369M	\$0.121M
Licences that would be required to transition from 'Recreational (standard) Licence' to 'Specialised Licence'							
Option	No. of licences/yr	Current \$/licence	Current cost to community	Proposed \$/licence	Extra \$/licence	Proposed cost to community	TOTAL EXTRA COST FROM STATUS QUO
OPTION 2	262	78.60	0.020M	316.90	238.30	0.083M	\$0.062M
OPTION 3	300	78.60	0.024M	316.90	238.30	0.095M	\$0.071M
OPTION 4	262	78.60	0.020M	316.90	238.30	0.083M	\$0.062M
Licences that would be required to transition from 'Recreational (international) Licence' to 'Specialised Licence'							
Option	No. of licences/yr	Current \$/licence	Current cost to community	Proposed \$/licence	Extra \$/licence	Proposed cost to community	TOTAL EXTRA COST FROM STATUS QUO
OPTION 2, 3 and 4	262	95.95	0.025M	316.90	220.95	0.083M	\$0.058M
Licences that would be required to transition from 'Recreational (restricted) Licence' to 'Specialised Licence'							
Option	No. of licences/yr	Current \$/licence	Current cost to community	Proposed \$/licence	Saving \$/licence	Proposed cost to community	TOTAL SAVING FROM STATUS QUO
OPTION 2, 3 and 4	131	323.50	0.042M	316.90	6.60	0.041M	\$0.001M

Licences that would be required to transition from 'Recreational (standard) Licence' to 'Advanced Licence'							
Option	No. of licences/yr	Current \$/licence	Current cost to community	Proposed \$/licence	Extra \$/licence	Proposed cost to community	TOTAL EXTRA COST FROM STATUS QUO
OPTION 2	1085	78.60	0.085M	682.90	604.30	0.741M	\$0.656M
OPTION 3	701	78.60	0.055M	682.90	604.30	0.478M	\$0.423M
OPTION 4	739	78.60	0.058M	682.90	604.30	0.505M	\$0.447M
Licences that would be required to transition from 'Recreational (international) Licence' to 'Advanced Licence'							
Option	No. of licences/yr	Current \$/licence	Current cost to community	Proposed \$/licence	Extra \$/licence	Proposed cost to community	TOTAL EXTRA COST FROM STATUS QUO
OPTION 2, 3 and 4	46	95.95	0.004M	682.90	586.95	0.032M	\$0.027M
Licences that would be required to transition from 'Recreational (restricted) Licence' to 'Advanced Licence'							
Option	No. of licences/yr	Current \$/licence	Current cost to community	Proposed \$/licence	Extra \$/licence	Proposed cost to community	TOTAL EXTRA COST FROM STATUS QUO
OPTION 2, 3 and 4	23	323.50	0.007M	682.90	359.40	0.016M	\$0.008M
Licences that would be required to transition from 'Commercial Wildlife Licence' to 'Advanced Licence'							
Option	No. of licences/yr	Current \$/licence	Current cost to business	Proposed \$/licence	Saving \$/licence	Proposed cost to business	TOTAL SAVING FROM STATUS QUO
OPTION 2, 3 and 4	101	2057.00	0.208M	682.90	1,374.10	0.069M	\$0.139M

Attachment 2: Species lists

Proposed scheduling of relevant protected animals⁹

Species list updated as of 6 June 2018

CATEGORY	RELEVANT PROTECTED ANIMALS																																																				
EXEMPT	<p>1. Birds:</p> <p>The following birds are exempt animals—</p> <table border="0"> <thead> <tr> <th data-bbox="316 577 534 611">Common name</th> <th data-bbox="948 577 1166 611">Scientific name</th> </tr> </thead> <tbody> <tr> <td>mallee ringneck</td> <td><i>Barnardius zonarius barnardi</i></td> </tr> <tr> <td>twenty-eight parrot</td> <td><i>Barnardius zonarius semitorquatus</i></td> </tr> <tr> <td>Port Lincoln ringneck</td> <td><i>Barnardius zonarius zonarius</i></td> </tr> <tr> <td>sulphur-crested cockatoo</td> <td><i>Cacatua galerita</i></td> </tr> <tr> <td>western corella</td> <td><i>Cacatua pastinator</i></td> </tr> <tr> <td>little corella</td> <td><i>Cacatua sanguinea</i></td> </tr> <tr> <td>long-billed corella</td> <td><i>Cacatua tenuirostris</i></td> </tr> <tr> <td>emerald dove</td> <td><i>Chalcophaps indica</i></td> </tr> <tr> <td>stubble quail</td> <td><i>Coturnix pectoralis</i></td> </tr> <tr> <td>Bourke's parrot</td> <td><i>Coturnix ypsilophora</i></td> </tr> <tr> <td>painted finch</td> <td><i>Emblema pictum</i></td> </tr> <tr> <td>galah</td> <td><i>Eolophus roseicapillus</i></td> </tr> <tr> <td>Gouldian finch</td> <td><i>Erythrura gouldiae</i></td> </tr> <tr> <td>blue-faced parrot finch</td> <td><i>Erythrura trichroa</i></td> </tr> <tr> <td>king quail</td> <td><i>Excalfactoria chinensis</i></td> </tr> <tr> <td>diamond dove</td> <td><i>Geopelia cuneata</i></td> </tr> <tr> <td>bar-shouldered dove</td> <td><i>Geopelia humeralis</i></td> </tr> <tr> <td>peaceful dove</td> <td><i>Geopelia striata</i></td> </tr> <tr> <td>musk lorikeet</td> <td><i>Glossopsitta concinna</i></td> </tr> <tr> <td>chestnut-breasted manikin</td> <td><i>Lonchura castaneothorax</i></td> </tr> <tr> <td>brown quail</td> <td><i>Melopsittacus undulatus</i></td> </tr> <tr> <td>star finch, other than the eastern subspecies</td> <td><i>Neochmia ruficauda</i>, other than <i>N. r. ruficauda</i></td> </tr> <tr> <td>budgerigar</td> <td><i>Neophema bourkii</i></td> </tr> <tr> <td>elegant parrot</td> <td><i>Neophema elegans</i></td> </tr> <tr> <td>turquoise parrot</td> <td><i>Neophema pulchella</i></td> </tr> </tbody> </table>	Common name	Scientific name	mallee ringneck	<i>Barnardius zonarius barnardi</i>	twenty-eight parrot	<i>Barnardius zonarius semitorquatus</i>	Port Lincoln ringneck	<i>Barnardius zonarius zonarius</i>	sulphur-crested cockatoo	<i>Cacatua galerita</i>	western corella	<i>Cacatua pastinator</i>	little corella	<i>Cacatua sanguinea</i>	long-billed corella	<i>Cacatua tenuirostris</i>	emerald dove	<i>Chalcophaps indica</i>	stubble quail	<i>Coturnix pectoralis</i>	Bourke's parrot	<i>Coturnix ypsilophora</i>	painted finch	<i>Emblema pictum</i>	galah	<i>Eolophus roseicapillus</i>	Gouldian finch	<i>Erythrura gouldiae</i>	blue-faced parrot finch	<i>Erythrura trichroa</i>	king quail	<i>Excalfactoria chinensis</i>	diamond dove	<i>Geopelia cuneata</i>	bar-shouldered dove	<i>Geopelia humeralis</i>	peaceful dove	<i>Geopelia striata</i>	musk lorikeet	<i>Glossopsitta concinna</i>	chestnut-breasted manikin	<i>Lonchura castaneothorax</i>	brown quail	<i>Melopsittacus undulatus</i>	star finch, other than the eastern subspecies	<i>Neochmia ruficauda</i> , other than <i>N. r. ruficauda</i>	budgerigar	<i>Neophema bourkii</i>	elegant parrot	<i>Neophema elegans</i>	turquoise parrot	<i>Neophema pulchella</i>
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⁹ The current scheduling of relevant *protected animals* is in the Nature Conservation (Wildlife) Regulation 2006

	scarlet-chested parrot cockatiel crested pigeon common bronzewing pale-headed rosella Adelaide rosella crimson rosella yellow rosella eastern rosella western rosella long-tailed finch black-throated finch masked finch princess parrot hooded parrot red-rumped parrot red-capped parrot diamond firetail double-barred finch zebra finch scaly-breasted lorikeet rainbow lorikeet rainbow (red-collared) lorikeet painted button-quail little button-quail	<i>Neophema splendida</i> <i>Nymphicus hollandicus</i> <i>Ocyphaps (Geophaps) lophotes</i> <i>Phaps chalcoptera</i> <i>Platycercus adscitus</i> <i>Platycercus elegans adelaidae</i> <i>Platycercus elegans elegans</i> <i>Platycercus elegans flaveolus</i> <i>Platycercus eximius</i> <i>Platycercus icterotis</i> <i>Poephila acuticauda</i> <i>Poephila cincta</i> <i>Poephila personata</i> <i>Polytelis alexandrae</i> <i>Psephotus dissimilis</i> <i>Psephotus haematonotus</i> <i>Purpureicephalus spurius</i> <i>Stagonopleura guttata</i> <i>Taeniopygia bichenovii</i> <i>Taeniopygia guttata</i> <i>Trichoglossus chlorolepidotus</i> <i>Trichoglossus haematodus haematodus</i> <i>Trichoglossus haematodus rubritorquatus</i> <i>Turnix varia</i> <i>Turnix velox</i>																
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3. Birds:

The following birds are class 1 animals—

Common name	Scientific name
king parrot	<i>Alisterus scapularis</i>
red-winged parrot	<i>Aprosmictus erythropterus</i>
Australian ringneck or Cloncurry parrot	<i>Barnardius zonarius macgillivrayi</i>
white-headed pigeon	<i>Columba leucomela</i>
pie imperial-pigeon	<i>Ducula bicolor</i>
spinifex pigeon	<i>Geophaps plumifera</i>
squatter pigeon	<i>Geophaps scripta</i>
purple-crowned lorikeet	<i>Glossopsitta porphyrocephala</i>
little lorikeet	<i>Glossopsitta pusilla</i>
pictorella mannikin	<i>Heteromunia pectoralis</i>
wonga pigeon	<i>Leucosarcia melanoleuca</i>
yellow-rumped mannikin	<i>Lonchura flaviprymna</i>
brown cuckoo-dove	<i>Macropygia amboinensis</i>
plum-headed finch	<i>Neochmia modesta</i>
crimson finch	<i>Neochmia phaeton</i>
red-browed finch	<i>Neochmia temporalis</i>
blue-winged parrot	<i>Neophema chrysostoma</i>
rock parrot	<i>Neophema petrophila</i>
blue bonnet, other than the narethae subspecies	<i>Northiella haematogaster, other than N.h. narethae</i>
white-quilled rock-pigeon	<i>Petrophassa albipennis</i>
chestnut quilled rock-pigeon	<i>Petrophassa rufipennis</i>
brush bronzewing	<i>Phaps elegans</i>
flock bronzewing	<i>Phaps histrionica</i>
northern rosella	<i>Platycercus venustus</i>
regent parrot	<i>Polytelis anthopeplus</i>
superb parrot	<i>Polytelis swainsonii</i>
golden-shouldered parrot	<i>Psephotus chrysopterygius</i>
mulga parrot	<i>Psephotus varius</i>
varied lorikeet	<i>Psitteuteles versicolor</i>
beautiful firetail	<i>Stagonopleura bella</i>
red-backed button-quail	<i>Turnix maculosus</i>
black-breasted button-quail	<i>Turnix melanogaster</i>

red-chested button-quail

Turnix pyrrhothorax

4. Invertebrates:

The following invertebrates are class 1 animals—

- (a) all protected spiders;
- (b) all protected scorpions

5. Reptiles

The following reptiles are class 1 animals—

Family Agamidae—

Common name

Scientific name

- jacky lizard
- central netted dragon
- eastern water dragon
- bearded dragon
- downs bearded dragon
- pygmy bearded dragon
- central bearded dragon

- Amphibolurus muricatus*
- Ctenophorus nuchalis*
- Intellagama lesueurii*
- Pogona barbata*
- Pogona henrylawsoni*
- Pogona minor*
- Pogona vitticeps*

Family Pythonidae—

Common name

Scientific name

- children's python
- spotted python
- Stimson's python
- black-headed python
- water python
- carpet python

- Antaresia childreni*
- Antaresia maculosa*
- Antaresia stimsoni*
- Aspidites melanocephalus*
- Liasis mackloti*
- Morelia spilota*

Family Carphodactylidae—

Common name

Scientific name

- Centralian knob-tailed gecko
- rough knob-tailed gecko
- smooth knob-tail gecko

- Nephrurus amyaе*
- Nephrurus asper*
- Nephrurus levis*

	<p>banded knob tail gecko <i>Nephrurus wheeleri</i></p> <p>thick-tailed gecko <i>Underwoodisaurus milii</i></p> <p>Family Chelidae—</p> <p>Common name Scientific name</p> <p>eastern snake-necked turtle <i>Chelodina longicollis</i></p> <p>Kreffft’s river turtle <i>Emydura macquarii krefftii</i></p> <p>Murray turtle <i>Emydura macquarii macquarii</i></p> <p>saw-shelled turtle <i>Wollumbinia latisternum</i></p> <p>Family Diplodactylidae—</p> <p>Common name Scientific name</p> <p>robust velvet gecko <i>Nebulifera robusta</i></p> <p>Gulf marbled velvet gecko <i>Oedura bella</i></p> <p>northern velvet gecko <i>Oedura castelnaui</i></p> <p>inland marbled velvet gecko <i>Oedura cincta</i></p> <p>marbled velvet gecko <i>Oedura marmorata</i></p> <p>Family Scincidae—</p> <p>Common name Scientific name</p> <p>pink-tongued lizard <i>Cyclodomorphus gerrardii</i></p> <p>Cunningham's skink <i>Egernia cunninghami</i></p> <p>Centralian blue-tongued lizard <i>Tiliqua multifasciata</i></p> <p>blotched blue-tongued lizard <i>Tiliqua nigrolutea</i></p> <p>shingle-back <i>Tiliqua rugosa</i></p> <p>northern blue-tongued lizard <i>Tiliqua scincoides intermedia</i></p> <p>eastern blue-tongued lizard <i>Tiliqua scincoides scincoides</i></p>
<p>CLASS 2</p>	<p>6. Amphibians:</p> <p>A least concern amphibian, other than the following, is a class 2 animal—</p> <p>a) an amphibian that is a class 1 animal</p> <p>b) an amphibian that is a prohibited animal</p> <p>7. Birds:</p> <p>The following birds are class 2 animals—</p>

Common name	Scientific name
spiny-cheeked honeyeater	<i>Acanthagenys rufogularis</i>
eastern spinebill	<i>Acanthorhynchus tenuirostris</i>
green catbird	<i>Ailuroedus crassirostris</i>
striated grasswren	<i>Amytornis striatus</i>
thick-billed grasswren	<i>Amytornis textilis</i>
chestnut teal	<i>Anas castanea</i>
grey teal	<i>Anas gracilis</i>
Australasian shoveler	<i>Anas rhynchos</i>
black duck	<i>Anas superciliosa</i>
magpie goose	<i>Anseranas semipalmata</i>
red wattlebird	<i>Anthochaera carunculata</i>
metallic starling	<i>Aplonis metallica</i>
cattle egret	<i>Ardea ibis</i>
piebald heron	<i>Ardea picata</i>
black-faced woodswallow	<i>Artamus cinereus</i>
dusky woodswallow	<i>Artamus cyanopterus</i>
white-breasted woodswallow	<i>Artamus leucorhynchus</i>
white-browed woodswallow	<i>Artamus superciliosus</i>
hardhead	<i>Aythya australis</i>
bush-stone curlew	<i>Burhinus grallarius</i>
gang gang cockatoo	<i>Callocephalon fimbriatum</i>
red-tailed black-cockatoo	<i>Calyptorhynchus banksii</i>
Baudin's black-cockatoo	<i>Calyptorhynchus baudinii</i>
yellow-tailed black-cockatoo	<i>Calyptorhynchus funereus</i>
glossy black-cockatoo	<i>Calyptorhynchus lathami</i>
Carnaby's black-cockatoo	<i>Calyptorhynchus latirostris</i>
pheasant coucal	<i>Centropus phasianinus</i>
Cape Barren goose	<i>Cereopsis novaehollandiae</i>
piebald honeyeater	<i>Certhionyx variegatus</i>
maned duck or wood duck	<i>Chenonetta jubata</i>
Australian magpie	<i>Cracticus tibicen</i>
Macleay's fig parrot	<i>Cyclopsitta diophthalma macleayana</i>
black swan	<i>Cygnus atratus</i>
blue-winged kookaburra	<i>Dacelo leachii</i>
Laughing kookaburra	<i>Dacelo novaeguineae</i>
wandering whistling-duck	<i>Dendrocygna arcuata</i>
plumed whistling-duck	<i>Dendrocygna eytoni</i>

eclectus parrot	<i>Eclectus spp.</i>
white-faced heron	<i>Egretta novaehollandiae</i>
blue-faced honeyeater	<i>Entomyzon cyanotis</i>
eastern yellow robin	<i>Eopsaltria australis</i>
white-fronted chat	<i>Epthianura albifrons</i>
orange chat	<i>Epthianura aurifrons</i>
crimson chat	<i>Epthianura tricolor</i>
eurasian coot	<i>Fulica atra</i>
buff-banded rail	<i>Gallirallus philippensis</i>
partridge pigeon	<i>Geophaps smithii</i>
black-winged stilt	<i>Himantopus himantopus</i>
swift parrot	<i>Lathamus discolor</i>
yellow-tufted honeyeater	<i>Lichenostomus melanops</i>
Major Mitchell's cockatoo (pink cockatoo)	<i>Lophochroa leadbeateri</i>
topnot pigeon	<i>Lopholaimus antarcticus</i>
pink-eared duck	<i>Malacorhynchus membranaceus</i>
purple-crowned fairy-wren	<i>Malurus coronatus</i>
superb fairy-wren	<i>Malurus cyaneus</i>
variegated fairy-wren	<i>Malurus lamberti</i>
white-winged fairy-wren	<i>Malurus leucopterus</i>
red-backed fairy-wren	<i>Malurus melanocephalus</i>
splendid fairy-wren	<i>Malurus splendens</i>
lewin's honeyeater	<i>Meliphaga lewinii</i>
rainbow bee-eater	<i>Merops ornatus</i>
scarlet honeyeater	<i>Myzomela sanguinolenta</i>
green pygmy-goose	<i>Nettapus pulchellus</i>
naretha blue bonnet	<i>Northiella narethae</i>
olive-backed oriole	<i>Oriolus sagittatus</i>
blue-billed duck	<i>Oxyura australis</i>
golden whistler	<i>Pachycephala pectoralis</i>
spotted pardalote	<i>Pardalotus punctatus</i>
scarlet robin	<i>Petroica boodang</i>
red-capped robin	<i>Petroica goodenovii</i>
white-cheeked honeyeater	<i>Phylidonyris nigra</i>
new holland honeyeater	<i>Phylidonyris novaehollandiae</i>
noisy pitta	<i>Pitta versicolor</i>
green rosella	<i>Platycercus caledonicus</i>
glossy ibis	<i>Plegadis falcinellus</i>

tawny frogmouth	<i>Podargus strigoides</i>
purple swamphen	<i>Porphyrio porphyrio</i>
eastern whipbird	<i>Psophodes olivaceus</i>
wompoo fruit-dove	<i>Ptilinopus magnificus</i>
rose-crowned fruit-dove	<i>Ptilinopus regina</i>
superb fruit-dove	<i>Ptilinopus superbus</i>
satin bowerbird	<i>Ptilonorhynchus violaceus</i>
regent bowerbird	<i>Sericulus chrysocephalus</i>
Australasian figbird	<i>Sphecotheres vieilloti</i>
figbird	<i>Sphecotheres vieilloti</i>
apostlebird	<i>Struthidea cinerea</i>
radjah shelduck	<i>Tadorna radjah</i>
Australian shelduck	<i>Tadorna tadornoides</i>
red-eared firetail	<i>Tagonopleura oculata</i>
forest kingfisher	<i>Todiramphus macleayii</i>
red-backed kingfisher	<i>Todiramphus pyrrhopygia</i>
sacred Kingfisher	<i>Todiramphus sanctus</i>
buff-breasted button-quail	<i>Turnix olivii</i>
masked Lapwing	<i>Vanellus miles</i>
masked lapwing	<i>Vanellus miles</i>
banded lapwing	<i>Vanellus tricolor</i>
silvereeye	<i>Zosterops lateralis</i>
8. Reptiles:	
The following reptiles are class 2 animals—	
(a) A least concern reptile, other than the following, is a class 2 animal:	
i. a reptile that is a class 1 animal	
ii. a reptile that is a prohibited animal	
iii. a farm crocodile	
(b) The following near threatened or threatened	
reptiles are class 2 animals—	
Common name	Scientific name
woma	<i>Aspidites ramsayi</i>
green python	<i>Morelia viridis</i>
golden-tailed gecko	<i>Strophurus taenicauda</i>

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Fleay's barred frog	<i>Mixophyes fleayi</i>
giant barred frog	<i>Mixophyes iteratus</i>
northern barred frog	<i>Mixophyes schevilli</i>
magnificent broodfrog	<i>Pseudophryne covacevichae</i>
Eungella dayfrog	<i>Taudactylus eungellensis</i>
Eungella tinkersfrog	<i>Taudactylus liemi</i>
Kroombit tinkersfrog	<i>Taudactylus pleione</i>
northern tinkersfrog	<i>Taudactylus rheophilus</i>
tableland gungan	<i>Uperoleia altissima</i>
Family Hylidae—	
Common name	Scientific name
greenstripe frog	<i>Cyclorana alboguttata</i>
northern snapping frog	<i>Cyclorana australis</i>
superb collared frog	<i>Cyclorana brevipes</i>
earless frog	<i>Cyclorana cryptotis</i>
grassland collared frog	<i>Cyclorana cultripes</i>
spotted collared frog	<i>Cyclorana maculosa</i>
western collared frog	<i>Cyclorana maini</i>
little collared frog	<i>Cyclorana manya</i>
eastern snapping frog	<i>Cyclorana novaehollandiae</i>
water holding frog	<i>Cyclorana platycephala</i>
collared frogs	<i>Cyclorana spp.</i>
rough collared frog	<i>Cyclorana verrucosa</i>
Melville Range treefrog	<i>Litoria andiirrmalin</i>
green thighed frog	<i>Litoria brevipalmata</i>
Cooloola sedgefrog	<i>Litoria cooloolensis</i>
sandstone frog	<i>Litoria coplandi</i>
northern waterfrog	<i>Litoria dahlii</i>
Australian lacelid	<i>Litoria dayi</i>
growling green eyed frog	<i>Litoria eucnemis</i>
wallum rocketfrog	<i>Litoria freycineti</i>
bumpy rocketfrog	<i>Litoria inermis</i>
northern stony creek frog	<i>Litoria jungguy</i>
Kroombit treefrog	<i>Litoria kroombitensis</i>
broad palmed rocketfrog	<i>Litoria latopalmata</i>
long snouted treefrog	<i>Litoria longirostris</i>
little waterfall frog	<i>Litoria lorica</i>

javelin frog	<i>Litoria microbelos</i>
Kuranda treefrog	<i>Litoria myola</i>
waterfall frog	<i>Litoria nannotis</i>
striped rocketfrog	<i>Litoria nasuta</i>
tawny rocketfrog	<i>Litoria nigrofrenata</i>
mountain mistfrog	<i>Litoria nyakalensis</i>
wallum sedgefrog	<i>Litoria olongburensis</i>
pallid rocketfrog	<i>Litoria pallida</i>
cascade treefrog	<i>Litoria pearsoniana</i>
whirring treefrog	<i>Litoria revelata</i>
common mistfrog	<i>Litoria rheocola</i>
tapping green eyed frog	<i>Litoria serrata</i>
New England treefrog	<i>Litoria subglandulosa</i>
southern laughing treefrog	<i>Litoria tyleri</i>
giant rocketfrog	<i>Litoria watjulumensis</i>
eastern stony creek frog	<i>Litoria wilcoxii</i>
orange thighed treefrog	<i>Litoria xanthomera</i>
Family Microhylidae—	
Common name	Scientific name
peeping whistlefrog	<i>Austrochaperina fryi</i>
shrill whistlefrog	<i>Austrochaperina gracilipes</i>
white browed whistlefrog	<i>Austrochaperina pluvialis</i>
robust whistlefrog	<i>Austrochaperina robusta</i>
whistlefrogs	<i>Austrochaperina spp.</i>
tapping nurseryfrog	<i>Cophixalus aenigma</i>
southern ornate nurseryfrog	<i>Cophixalus australis</i>
buzzing nurseryfrog	<i>Cophixalus bombiens</i>
beautiful nurseryfrog	<i>Cophixalus concinnus</i>
northern nurseryfrog	<i>Cophixalus crepitans</i>
dainty nurseryfrog	<i>Cophixalus exiguus</i>
Hinchinbrook Island nurseryfrog	<i>Cophixalus hinchinbrookensis</i>
rattling nurseryfrog	<i>Cophixalus hosmeri</i>
creaking nurseryfrog	<i>Cophixalus infacetus</i>
Kutini boulder-frog	<i>Cophixalus kulakula</i>
Mount Elliot nurseryfrog	<i>Cophixalus mcdonaldi</i>
mountain nurseryfrog	<i>Cophixalus monticola</i>
Bellenden Ker nurseryfrog	<i>Cophixalus neglectus</i>

northern ornate nurseryfrog	<i>Cophixalus ornatus</i>
golden-capped boulderfrog	<i>Cophixalus pakayakulangun</i>
Cape York nurseryfrog	<i>Cophixalus peninsularis</i>
blotched boulderfrog	<i>Cophixalus petrophilus</i>
Black Mountain boulderfrog	<i>Cophixalus saxatilis</i>
boulder/nurseryfrogs	<i>Cophixalus spp.</i>
Cape Melville boulderfrog	<i>Cophixalus zweifeli</i>
Family Ranidae—	
Common name	Scientific name
Australian woodfrog	<i>Papurana daemeli</i>
10. Mammals:	
A least concern, near threatened or threatened mammal is a prohibited animal	
11. Birds:	
A least concern, near threatened or threatened bird, other than the following, is a prohibited animal —	
(a) a bird that is an exempt animal	
(b) a bird that is a class 1 animal	
(c) a bird that is a class 2 animal	
12. Reptiles:	
The following reptiles are prohibited animals —	
(a) a reptile of the family Cheloniidae;	
(b) a reptile of the family Dermochelyidae;	
(c) a reptile of the family Crocodylidae, other than a farm crocodile;	
(d) a reptile, other than a farm animal, of the genera Aipysurus, Emydocephalus, Hydrelaps, Hydrophis, Microcephalophis, or	

Parahydrophis;	
(e) a near threatened or threatened reptile, other than a reptile that is a class 2 animal;	
(f) the following least concern reptiles—	
Family Acrochordidae—	
Common name	Scientific name
little file snake	<i>Acrochordus granulatus</i>
Family Agamidae—	
Common name	Scientific name
brigalow nobbi	<i>Diporiphora phaeospinosa</i>
thorny devil	<i>Moloch horridus</i>
five-lined earless dragon	<i>Tympanocryptis pentalineata</i>
Roma earless dragon	<i>Tympanocryptis wilsoni</i>
Family Boidae—	
Common name	Scientific name
white-lipped python	<i>Leiopython hoserae</i>
Family Carphodactylidae—	
Common name	Scientific name
Mount Elliot broad-tailed gecko	<i>Phyllurus amnicola</i>
Connors' Range broad-tailed gecko	<i>Phyllurus championae</i>
peppered-belly broad-tailed gecko	<i>Phyllurus nepthys</i>
Mount Ossa broad-tailed gecko	<i>Phyllurus ossa</i>
Cape Melville leaf-tailed gecko	<i>Saltuarius eximius</i>
Family Colubridae—	
Common name	Scientific name
bockadam	<i>Cerberus australis</i>
white-bellied mangrove snake	<i>Fordonia leucobalia</i>
Richardson's mangrove snake	<i>Myron richardsonii</i>
Macleay's water snake	<i>Pseudoferania polylepis</i>
slate-brown snake	<i>Stegonotus parvus</i>
Family Elapidae—	
Common name	Scientific name

north-eastern plain-nosed burrowing snake	<i>Antaioserpens albiceps</i>
Warrego burrowing snake	<i>Antaioserpens warro</i>
coral snake	<i>Brachyuropsis australis</i>
narrow-banded snake	<i>Brachyuropsis fasciolatus</i>
unbanded shovel-nosed snake	<i>Brachyuropsis incinctus</i>
half-girdled snake	<i>Brachyuropsis semifasciatus</i>
yellow-naped snake	<i>Furina barnardi</i>
Papuan taipan	<i>Oxyuranus scutellatus canni</i>
Papuan black snake	<i>Pseudechis papuanus</i>
bandy-bandy snakes	<i>Vermicella spp.</i>
Family Gekkonidae—	
Common name	Scientific name
Black Mountain gecko	<i>Nactus galgajuga</i>
Family Pygopodidae—	
Common name	Scientific name
Cape York scaly-foot	<i>Pygopus robertsi</i>
Family Scincidae—	
Common name	Scientific name
red-throated skink	<i>Acritoscincus platynotum</i>
speckled worm-skink	<i>Anomalopus gowi</i>
Cape York worm-skink	<i>Anomalopus pluto</i>
Whitsunday rainbow skink	<i>Carlia inconnexa</i>
Eastern Torres rainbow-skink	<i>Carlia quinquecarinata</i>
crevice rainbow-skink	<i>Carlia rimula</i>
Cape Melville rainbow skink	<i>Carlia wundalthini</i>
satinay sand skink	<i>Coggeria naufragus</i>
pygmy snake-eyed skink	<i>Cryptoblepharus tythos</i>
agile snake-eyed skink	<i>Cryptoblepharus zoticus</i>
Mt Elliot skink	<i>Glaphyromorphus clandestinus</i>
McIlwraith bar-lipped skink	<i>Glaphyromorphus nyanchupinta</i>
Cape Melville bar-lipped skink	<i>Glaphyromorphus othelarnni</i>
plain-backed sunskink	<i>Lampropholis couperi</i>
grey-bellied sunskink	<i>Lampropholis robertsi</i>
fine-lined slider	<i>Lerista chordae</i>
Hobson's fine-lined slider	<i>Lerista hobsoni</i>

	<p>lesser robust fine-lined slider Rochford slider leaden-bellied fine-lined slider Bamboo Range rock skink fire-tailed rainbow-skink Lyon's soil-crevice skink Cape Melville shade skink</p> <p>Family Typhlopidae— Common name blind snakes</p> <p>Family Varanidae— Common name blue-tailed monitor perentie canopy goanna emerald monitor rusty monitor Finsch's monitor</p>	<p><i>Lerista karlschmidti</i> <i>Lerista rochfordensis</i> <i>Lerista vanderduysi</i> <i>Liburnascincus artemis</i> <i>Lygisaurus parrhasius</i> <i>Proablepharus barrylyoni</i> <i>Saproscincus saltus</i></p> <p>Scientific name <i>Anilos spp.</i></p> <p>Scientific name <i>Varanus doreanus</i> <i>Varanus giganteus</i> <i>Varanus keithhornei</i> <i>Varanus prasinus</i> <i>Varanus semiremex</i> <i>Varanus finschi</i></p>
<p>FARM</p>	<p>The following protected animals are farm animals—</p> <p>(a) a reptile of the family Elapidae;</p> <p>(b) birdwing butterfly (<i>Ornithoptera sp.</i>);</p> <p>(c) Ulysses butterfly (<i>Papilio ulysses</i>);</p> <p>(d) emu (<i>Dromaius novaehollandiae</i>);</p> <p>(e) estuarine crocodile (<i>Crocodylus porosus</i>);</p> <p>(f) freshwater crocodile (<i>Crocodylus johnstoni</i>);</p>	

Attachment 3: Managing wildlife in other states and territories

The management of *native wildlife* is governed by similar frameworks in all Australian state and territory jurisdictions with a generally high level of protection provided. Each jurisdiction provides a legislative framework to protect *native wildlife* and therefore regulates *taking*, *keeping*, using and *movement* activities. Generally all jurisdictions categorise wildlife based on conservation status or for the purposes of commercial *use* and therefore require an authority for most wildlife related activities. While all regulation is similar, some jurisdictions allow for increased opportunities for *taking* and *keeping protected animals*, or allow particular activities to occur without an authority.

Modern approaches

A number of Australian jurisdictions have recently reviewed their regulatory frameworks for *keeping protected animals*. Risk based regulatory approaches have been introduced in a number of jurisdictions, with authorities to *keep protected animals* separated based on risk and some low risk activities becoming exempt (e.g. *keeping* a common animal). Online licensing systems are also becoming more prevalent to reduce administrative burden for governments and ensure native animals are purchased legally, not taken from the wild. A number of jurisdictions now allow proponents to apply for authorities, trade animals and keep records online.

Harvesting protected animals

Harvest of *protected animals* is generally limited to commercial harvest through the macropod harvesting industry in some jurisdictions and crocodile harvesting in Northern Territory. Hunting for particular species of birds is regulated in Tasmania and Northern Territory, and the harvest of wallaby and possum is also regulated in Tasmania.

Take of protected animals specifically for captive *trade* or pet market is restricted, although South Australia and the Northern Territory provide for these opportunities through their regulations. Recreational harvest of *protected animals* for personal *use* is restricted in most jurisdictions, except for Northern Territory and Tasmania.

Wildlife management and interaction

Through an appropriate authority, most jurisdictions allow for the lethal and non-lethal *take of protected animals* causing damage to property, causing economic loss or impacting on health and wellbeing. In most jurisdictions, wildlife taken for these reasons cannot be used. A number of jurisdictions allow snakes that are likely to cause death or harm to be taken without an authority. South Australia allows all poisonous reptiles and magpies to also be taken without an authority, where there is a threat to a person.

All jurisdictions regulate the *take, keep and use* of wildlife for educational or scientific purposes by requiring an authority for such activities. The *take and keep* of sick or injured animals for rehabilitation is regulated in all jurisdictions with an authority required in most circumstances. In Victoria and Western Australia, an authority is not required for rehabilitation provided a number of requirements are met and the activity is in accordance with a code of practice. New South Wales is currently reviewing the rehabilitation of native wildlife and is investigating an accreditation system for wildlife rehabilitators.

Apart from Queensland, the Northern Territory is the only jurisdiction that regulates interactions with *protected animals*, by requiring an authority for *commercial purposes* (financial gain).

Keeping protected animals

A number of jurisdictions issue separate authorities based on the species, such as herpetofauna authorities, bird authorities, or authorities to *keep* dangerous snakes. Other jurisdictions issue basic or general licences and specialist licences depending on the species listing.

All jurisdictions list a number of species as exempt to *keep* for any purpose. Lists of exempt species in New South Wales and Western Australia only include bird species that are common and well-established in the captive-bred 'pet' industry. Other jurisdictions include particular mammals, reptiles and amphibians that are also common in the pet market.

While some jurisdictions list particular species as exempt to *keep*, generally most jurisdictions require a person to obtain an authority to *keep* non-exempt animals as a way to monitor wildlife held in captivity and restrict illegal *take* from the wild.

Movement of wildlife

All jurisdictions regulate the *movement* of native animals to monitor the *trade* of wildlife taken from the wild or held in captivity. Most jurisdictions require an authority/notice for moving *protected animals* interstate, as well as importing or exporting native and non-native animals. All jurisdictions allow for *movement* of any exempt native species (e.g. common native birds) without the need for an authority.

Attachment 4: Buying and selling *protected animals* under a *movement advice*

Buying and selling animals with a <i>movement advice</i>		
Activity	Option 1 (current framework)	Option 2 and option 3
Selling or giving away a <i>protected animal</i> to a buyer in Queensland (Majority of trade)	<p>It is the responsibility of the person selling or giving away the wildlife to initiate the <i>movement advice</i>.</p> <p>The person who initiated the <i>movement advice</i> must send part 1 to the department within 7 days of the <i>movement</i> of the animal, and keep part 4 for their own <i>records</i>. This person must send part 2 and part 3 with the animal, to the buyer. The buyer must fill out part 3 and send part 3 to the department within 7 days of receiving the animal. The buyer must keep part 2 for their own <i>records</i>.</p>	<p>Under option 2, all <i>specialised licence</i> and <i>advanced licence</i> holders must use the <i>online system</i> to fill out a <i>movement advice</i>. Under option 3, all licence holders can choose to use the <i>online system</i> or use the <i>hardcopy system</i>.</p>
		<p>Selling using the <i>online system</i></p> <p>It is the responsibility of the person selling or giving away the wildlife to initiate the <i>movement advice</i>.</p> <p>The seller must make a <i>record</i> of the <i>movement</i> on the <i>online system</i>, which also automatically notifies the department (part 1 under the current framework) and initiates a <i>movement advice</i>. As part of the <i>movement advice</i>, the seller must print a receipt from the <i>online system</i> and send this receipt with the animal, to the buyer (sending part 2 and part 3 under the current framework).</p> <p>The buyer can fill out a <i>record</i> of the <i>movement</i> on the <i>online system</i> (mandatory for <i>specialised licence</i> and <i>advanced licence</i> under option 2) which automatically notifies the department and completes the <i>movement advice</i>. If the buyer is a <i>standard licence</i> holder, the buyer can use the <i>online system</i> to fill out and complete the <i>movement advice</i>, or fill out part of the hardcopy receipt from the seller and send this to the department within 7 days of receiving the animal (part 3 under the current framework).</p> <p>Selling using the <i>hardcopy system</i></p> <p>It is the responsibility of the person selling or giving away the wildlife to initiate the <i>movement advice</i>. When using a hardcopy <i>movement advice</i>, the same requirements of the current framework apply.</p> <p>When an animal is sold using a hardcopy <i>movement advice</i> (<i>standard licence</i> holders only under option 2), the buyer can fill out a <i>record</i> of the <i>movement</i> using the <i>online system</i> (mandatory for <i>specialised licence</i> and <i>advanced licence</i> holders under option 2) which automatically notifies the department and completes the <i>movement advice</i>. If the buyer uses the <i>hardcopy system</i> (<i>standard licence</i> holders only under option 2), the same requirements of the current framework apply.</p>
Selling or giving away a <i>protected animal</i>	It is the responsibility of the person selling or giving away the wildlife to initiate the	Under options 2 and 3, any licence holder selling an animal to a buyer in another state must complete a hardcopy <i>movement advice</i> .

<p><i>animal</i> to a buyer in another state</p>	<p><i>movement advice.</i></p> <p>The person who initiated the <i>movement advice</i> must send part 1 to the department within 7 days of the <i>movement</i> of the animal, and keep part 4 for their own <i>records</i>. This person must send part 2 and part 3 with the animal, to the buyer. The buyer must fill out part 3 and send part 3 to the department within 7 days of receiving the animal. The buyer must keep part 2 for their own <i>records</i>.</p>	<p>Selling using the <i>hardcopy system</i></p> <p>A <i>hardcopy movement advice</i> must be completed when selling an animal to a person in another state.</p> <p>It is the responsibility of the person selling or giving away the wildlife to initiate the <i>movement advice</i>.</p> <p>When using a <i>hardcopy movement advice</i>, the same requirements of the current framework apply.</p>
<p>Buying an animal from a person in another state.</p>	<p>When the seller is in another state, it is the Queensland buyer's responsibility to initiate the <i>movement advice</i>.</p> <p>The Queensland buyer importing animals from another state must send part 1 to the department within 7 days of the <i>movement</i> of the animal, and keep part 4 for their own <i>records</i>. The Queensland buyer must give part 2 and 3 to the seller in another state, as the seller must also sign part 3. The Queensland buyer must then submit part 3 to the department.</p>	<p>Under options 2 and 3, any licence holder buying an animal from a seller in another state must complete a <i>hardcopy movement advice</i>.</p> <hr/> <p>Buying using the <i>hardcopy system</i></p> <p>A <i>hardcopy movement advice</i> must be completed when buying an animal from a person in another state.</p> <p>When using a <i>hardcopy movement advice</i>, the same requirements of the current framework apply.</p>

Attachment 5: Summary of issues raised during consultation

Issues

Unregulated *take* of animals from the wild

The discussion paper raised the current unregulated recreational *take* of scorpions, spiders and amphibians as a policy issue for consideration. From the submissions received, stakeholders generally supported restricting the recreational *take* of *protected animals*. Stakeholders also provided support for including the prohibition of all recreational and commercial *take* on the basis that there are species in abundance in the captive-bred industry.

Outdated and inefficient system for *keeping protected animals*

In relation to the current licencing framework for *keeping protected animals* in captivity, stakeholders generally agreed that the current framework was outdated and inefficient with the progressive captive-bred *protected animal* pet industry. The extent of the issues raised included the number of species available for *keep* under *recreational wildlife licences* and *commercial wildlife licences*, and that activities authorised under licence or permit types are not fit for purpose.

Permit and licencing system

There was general support for reviewing the licencing and permitting system, primarily due to the complexity of the framework and inconsistencies between activities and the permits or licences they are issued under. A number of stakeholders, including existing authority holders, expressed concern over the complexity and confusion of the framework when interpreting their obligations under a wildlife authority.

Commercial protected animal services including spotter catcher services

Industry raised dissatisfaction that multiple authorities are required for *commercial protected animal services*. Consultants undertaking spotter catcher services are issued with a Rehabilitation Permit to remove and relocate animals (for example, on construction or mining sites) where the habitat of *protected animals* is being destroyed. Damage Mitigation Permits to remove and relocate *protected animals* that are posing a risk to human health and safety are also issued for similar activities. Given the similarities, industry groups seek to clarify the purpose of these authorities and migrate to a more appropriate authority type that clearly articulates the obligations and what activities are authorised.

Industry stakeholders also requested spotter catcher authorisations to be removed from the Rehabilitation Permit framework and authorised under a separate authority. Stakeholders also reported unqualified and unskilled spotter catchers and recommended that a qualification test is completed for authorised spotter catchers, including all relevant people operating under a group licence. The test would require the applicant and relevant persons under the authority to demonstrate their suitable qualifications and experience through referee reports, academic transcripts and other courses provided by registered institutions.

Rehabilitation of sick, injured and orphaned animals

The department received feedback that the current requirements for rehabilitation of *protected animals* are outdated and unclear, and present health risks to volunteers and the animals in care. Rehabilitation permit holders have expressed difficulty in moving animals (when necessary for urgent treatment or recovery) and seeking authority to display animals. Rehabilitation permit holders also raised concern about the increasing number of animals coming into their care as a result of increased clearing and development, and the pressures this places on their volunteer services. Rehabilitation permit holders also raised concern over issues with both group permits and permits issued to individuals.

Animal breeding places

During public consultation on the discussion paper, feedback was received that the current requirements to avoid impacts to animal breeding places is ambiguous and difficult to comply with. Stakeholders also raised concern over the current Species Management Program process, which is used to manage impact to animal breeding places.

Species lists

A number of stakeholders raised concerns about the differences in the types of species that can be kept by recreational and *commercial wildlife licence* holders. Currently, *commercial wildlife licence* holders are restricted to live controlled, commercial and international animals compared to live controlled, commercial, recreational, restricted and international animals for *recreational wildlife licence* holders.

Outdated and inefficient system for moving *protected animals*

The discussion paper sought feedback on allowing authority holders keeping *protected animals* to use a fully integrated *online system* for record-keeping and *movement*, rather than a *hardcopy system*.

Most stakeholder groups supported transitioning the licencing and record-keeping framework to a fully integrated *online system*. Stakeholders raised that a user friendly *online system* would aid in ensuring record-keeping in particular was completed on time and in a way that met the obligations of the regulations. Stakeholders also raised that an *online system* would deliver benefits to them as a client, if information was centrally stored and available live.

Unnecessary regulatory and administrative burden

The discussion paper provided an opportunity for stakeholder groups to raise issues where they may experience regulatory and administrative burden. Peak industry bodies expressed support for self-assessable codes as it would reduce regulatory burden for activities including routine maintenance and the removal and relocation of wildlife from existing infrastructure. However, other stakeholders were unsupportive on the basis that all interactions with wildlife should be regulated.

Some stakeholders raised the complexity of the *Nature Conservation Regulations* and that the legislation should better clarify the regulatory requirements.

Issues considered out of scope

Keeping mammals

Some stakeholders suggested that the legislation should allow the *keep* of mammals in Queensland, for consistency with other Australian jurisdictions.

The department considers this issue out of scope, due to the conservation and ethical issues associated with *keeping* protected mammals. The current regulation allows for native mammals that can be kept in other parts of Australia, to be kept in Queensland in limited circumstances, under a *Permit to keep wildlife*.