



## Biosecurity Act 2015

# Discussion Paper: Notification of Certain Non-Native Animal Species

February 2018



Photo: NSW DPI

**Submissions on this Paper close on 27 April 2018**

**Email your submission to:**

[submissions.biosecuritylegislation@dpi.nsw.gov.au](mailto:submissions.biosecuritylegislation@dpi.nsw.gov.au)

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Biosecurity Legislation  
NSW Department of Primary Industries  
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## Summary

The *Biosecurity Act 2015* (the Act) provides the regulatory framework for the management of non-indigenous, (also known as exotic or non-native) animals, including their introduction, movement and keeping in NSW. Human activities have led to a large number of non-indigenous species being introduced and establishing in NSW. Many of these species provide benefits to the state. However, some (like the European starling, Cane toad and European fox) have had devastating impacts on our environment, industries and communities.

Certain non-indigenous animals that haven't established free-living populations but have a high pest potential have been classified under the Act as prohibited dealings. It is an offence to keep, move or otherwise deal with these animals. Prompt action is required when these animals are encountered, to minimise the biosecurity risks they may pose, prevent them from establishing in the wild, and investigate the source of the animal in order to better manage future incursions.

The Department of Primary Industries (NSW DPI) proposes to improve the management of these risks by requiring notification when a species listed as a prohibited dealing is encountered in NSW.

## Background Information

Human movement around the world has resulted in many animal species being introduced to areas outside their natural range. After introduction, many of these animal species go on to establish invasive populations. In NSW, at least 64 non-native animal species have established in the wild, including 22 mammals, 20 species of birds, two species of reptiles, one amphibian species and at least 19 freshwater fish species. This has resulted in a loss of biodiversity, interference with natural ecosystems as well as economic and community impacts. Despite efforts to manage them, animals such as foxes, feral cats and European carp are now widespread across the entire state, and populations of wild dogs, feral goats, and feral pigs continue to increase in numbers and distribution.

To prevent the establishment of new pest animals, certain high-risk non-indigenous animals need to be tightly regulated and have been listed in [Schedule 3, of the Act](#) as a 'prohibited dealing'.

Collectively, these species represent a significant risk to the economy, environment and communities of NSW.

### What is the problem?

The increased level of people and goods moving around the globe has raised the risks of introducing non-indigenous animals into Australia. Common pathways for the introduction of non-indigenous animals include:

- Accidental transport in freight containers and luggage,
- Illegal imports of animals through our ports and mail centres,
- Illegal trade within Australia.

Currently there is no obligation to report non-indigenous animals listed in Schedule 3 of the Act. Consequently, the presence of certain high-risk non-indigenous animals in our communities has gone unidentified. Escapes and deliberate releases of these animals into the environment is often the outcome when they are illegally kept, bred and traded.

## **Why is it important?**

Based on conservative estimates, introduced pest animals cost the NSW economy at least \$170 million a year in lost production. Together with habitat loss, these pests are the greatest threat to our biodiversity.

Widespread pest animals impose a variety of biosecurity impacts on the community including; competing with native wildlife for food and habitat, preying on livestock and wildlife, increasing grazing pressure on pastures and damaging crops and native plant communities. Pest animals can also spread weeds, and contribute to erosion and waterway degradation. Human and animal diseases such as rabies, foot and mouth disease and Herpes simian B virus may also be introduced and spread through the activity of newly introduced pest animals.

## **What is the outcome we are seeking?**

We want to ensure that the presence of certain high-risk non-indigenous animals is reported to NSW DPI as early as possible. Early notification of a prohibited dealing is critical for preventing or minimising negative biosecurity impacts on our economy, environment and the community. The requirement to report this type of information to government has already been introduced in Queensland. The Queensland Government introduced an obligation to report all non-indigenous animals (other than a short list of species already established in the state) to Biosecurity Queensland within 24 hours of becoming aware of it, (Schedule 1 Biosecurity Act 2014 (Qld)).

The obligation to notify NSW DPI of the presence of prohibited dealings also mirrors the arrangements that are in place for certain high-risk pests and diseases listed in Schedule 2 of the Act as 'prohibited matter'.

## **Current management arrangements**

Any dealing with a non-indigenous animal listed in Schedule 3 of the Act (except those in Part 2, Division 2) is prohibited unless the dealing is for authorised exhibition or research purposes.

Under the Act "dealing" includes (but is not limited to):

- keeping
- having possession, care, custody or control of
- importing or acquiring
- buying or selling
- releasing
- breeding, and
- displaying an animal.

A person who engages in a prohibited dealing is guilty of an offence with potential fines of \$220,000 for an individual or \$440,000 for a corporation.

## **Reporting and educational materials provided by NSW DPI**

In an effort to build the level of knowledge and capacity within NSW to manage incursions of species listed as prohibited dealings, NSW DPI has developed a range of [web-based educational materials](#) on

the topic and runs workshops and training programs for allied organisations involved in incursion management. Non-indigenous pest animal incursions are able to be reported to NSW DPI through the following channels:

- Completion of an Unusual animal sighting form or;
- Phone: 1800 680 244
- Email: [invasive.species@dpi.nsw.gov.au](mailto:invasive.species@dpi.nsw.gov.au)

#### **Case study: Managing the biosecurity impacts of illegal wildlife trafficking**

During 2017, a person driving in regional NSW noticed an unusual looking animal on the side of the road and stopped to investigate. As the animal was wounded it was picked up and taken to a veterinarian who identified it as a Greek marginated tortoise, (*Testudo marginata*). A course of antibiotics was prescribed to prevent the wound from becoming infected and the tortoise was discharged to be kept under care.

Around six weeks after the tortoise was first found, the incident was reported to NSW DPI and arrangements were made to transport the animal to the NSW State Veterinary Diagnostic Laboratory. On examination, a DPI pathologist noticed signs of virus, (inclusion bodies in the macrophages of the animal's liver). The pathologist was concerned that if the tortoise had been in contact with other animals whilst in the open environment or in care, there was a risk of the virus being spread.

How the tortoise first came to be in NSW is still under investigation but illegal wildlife trafficking is suspected. The Marginated tortoise is classed as a prohibited dealing under the *Biosecurity Act 2015* (NSW) and the species has never been legally imported into Australia so there are no Marginated tortoises kept within Australian zoos or research facilities. This case study highlights the types of biosecurity risks that NSW faces due to incursions of high-risk non-native animals and why timely notification of incursions is required.



## Proposed management under the NSW Biosecurity Act 2015

NSW DPI proposes a mandatory measure that will require any person who becomes aware of, or suspects, the presence of a non-indigenous animal listed as a prohibited dealing, to notify NSW DPI as soon as is reasonably practicable after they first suspect or become aware of the presence of the animal.

Specifically, this will require a person to notify NSW DPI if they:

- (a) are the owner, occupier or person in charge of a premises where a prohibited dealing non-indigenous animal is present or suspected to be present;
- (b) are the owner, person in charge or custodian of a carrier or other thing that contains (or is suspected to contain) a prohibited dealing non-indigenous animal; or
- (c) become aware of or suspect the presence of a prohibited dealing non-indigenous animal including if they do so in a professional capacity.

The mandatory measure would apply to the following non-indigenous animals:

- Animals listed in Schedule 3 of the Act, except those in Part 2, Division 2 (and those individual animals the subject of an authorisation under either the Act, the *Exhibited Animals Protection Act 1986*, or the *Animal Research Act 1985*), and
- Any species of non-indigenous terrestrial or fresh-water aquatic vertebrate animals (excluding fish) not listed in Schedule 3 or Schedule 4 of the Act.

The notification requirement would apply throughout NSW.

It is proposed that offences will apply for failing to meet these proposed obligations.

### What do you think?

We value your comments on how we can improve our biosecurity system and look forward to receiving your input into this important process.

Please complete the following survey on 'Notification of Certain Non-Native Animal Species' at:

<https://www.surveymonkey.com/r/BKD5HXZ>

Alternatively, submit your feedback by Friday 27 April 2018 via email:

[submissions.biosecuritylegislation@dpi.nsw.gov.au](mailto:submissions.biosecuritylegislation@dpi.nsw.gov.au)

or post to:

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### More information

Please visit [www.dpi.nsw.gov.au/biosecurityact](http://www.dpi.nsw.gov.au/biosecurityact)

## Acknowledgements

NSW Office of Environment and Heritage

Local Land Services

For updates go to <http://www.dpi.nsw.gov.au/biosecurity/biosecurity-legislation/bio-leg-other/discussion-papers>

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