



Biosecurity - Management of Non-indigenous animals – Prohibited and Registrable Dealings

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1. Purpose

This policy describes how the NSW Government manages the biosecurity risks posed by certain non-indigenous vertebrate animals that have not established widespread populations in the state but have been assessed as representing a significant establishment risk, or a danger to people and/or the state's economic, environmental and community assets. This policy has been developed to guide staff to ensure consistent management outcomes and regulatory action in compliance with the *Biosecurity Act 2015* (the Act) and the Biosecurity Regulation 2017 (the Regulation).

2. Scope

This policy applies to technical, administrative and authorised compliance staff of the NSW Department of Primary Industries (NSW DPI), an office within the NSW Department of Planning, Industry & Environment and Local Land Services (LLS) in relevant roles who are responsible for administering the Act by managing the high-risk non-indigenous animals listed as:

- (1) Prohibited Dealings
- (2) Registrable Dealings

3. Guidelines on issuing Biosecurity Permits for private keeping of animals classified as Prohibited Dealings

Schedule 3 of the Act prohibits dealings with certain non-indigenous animals. A **Prohibited Dealing** includes any dealing with a non-indigenous vertebrate animal (including the eggs, semen or any other living stage of the animal) listed in Schedule 3 (other than animals listed in Schedule 3 Division 2 of the Act). Animals have been assigned to Prohibited Dealings lists based on published risk assessments such as the Bureau of Rural Sciences risk assessment model: Bomford 2014¹, which has been endorsed by the national Environment and Invasives Committee as well as the Australian Government's 'List of Specimens taken to be suitable for live import.' Note: The possession of illegally imported animals (or their offspring) is an offence under NSW Government and Commonwealth Government legislation. Schedule 3 of the Act contains three distinct lists of animals:

3.1 Schedule 3, Part 2: Any dealing with an animal listed in Schedule 3 Part 2 of the Act is prohibited in NSW. Under s152 of the Act, it is an offence to engage in a prohibited dealing.

¹ Guidelines for the Import, Movement and Keeping of Non-indigenous Vertebrates in Australia, Bomford, 2014

3.2 Schedule 3, Part 3: A Biosecurity Permit provides for a specified dealing with a non-indigenous animal listed in Schedule 3, Part 3 of the Act and kept under appropriate conditions (not including animals kept in licensed Exhibited Animals facilities and licensed Animal Research facilities). A list of generic Biosecurity Permit conditions is outlined in the 'Processing biosecurity permit applications and renewal applications for prohibited dealings procedure'. If additional permit conditions are required to manage biosecurity risks in specific circumstances, these will be listed on individual Biosecurity Permits.

3.2.1 Generally, a new Biosecurity Permit will not be issued for the keeping of animals listed in Schedule 3, Part 3 of the Act. This policy represents a long-term approach by all Australian governments to phase out the keeping of non-native animals that pose high biosecurity risks. The aim of the policy is to phase out the private keeping in NSW of the species listed in Schedule 3, Part 3 of the Act through the following actions:

- investigating reports of unlawfully kept animals and taking appropriate management and compliance actions to manage the incident,
- restricting the breeding of animals that are currently held under a Biosecurity Permit to cases where the breeding is part of an Australasian Species Management Program conducted by the Zoo and Aquarium Association Inc., or the breeding is part of an approved Cooperative Conservation Program registered with the Commonwealth Department of Environment and Energy or any subsequent Commonwealth Department responsible for such registration,
- prohibiting transfer of animals to private keepers from zoos, circuses, other exhibited animals facilities licensed under *the Exhibited Animals Protection Act 1986* or interstate exhibited animals facilities,
- prohibiting transfer of animals to private keepers from research facilities licensed under *the Animal Research Act 1985* or interstate animal research facilities,
- requiring a high-standard of animal welfare for all lawfully kept captive animals whilst allowing for their natural attrition.

3.3 Schedule 3, Division 2: Non-indigenous animal species considered to be widespread in the environment or legally imported into Australia and kept as a production, domestic or captive animals are not listed as prohibited dealings for the purposes of the Act.

Non-indigenous animal species include many of our companion animals, commercially important species and already widespread pests. Generally, the species listed in Schedule 3, Division 2 of the Act do not require a land manager on whose land the animal exists or an owner of the animal to have a Biosecurity Permit or Biosecurity Registration in order to deal with the species. However, people dealing with the species listed in Schedule 3, Division 2 of the Act must ensure they comply with local, regional, State and Commonwealth Government rules with respect to dealings including the management, movement and keeping of these species.

4. Guidelines on issuing Biosecurity Registrations for animals classified as Registrable Dealings

Some non-indigenous vertebrate animal species may be kept if they are registered and kept under appropriate conditions. These species are listed in Schedule 4(2) of the Act. A list of generic biosecurity registration conditions is outlined in the 'Biosecurity Registrations procedure'. Where specific conditions are deemed necessary that fall outside of the generic conditions, the specific conditions will be listed in the individual Biosecurity Registration documentation.

5. Ensuring high-standards of animal welfare for animals kept in captivity:

In order to provide an ongoing assurance of appropriate animal welfare outcomes for animals kept under a Biosecurity Permit or a Biosecurity Registration, the following provisions have been made:

- Schedule 7, clause 23(1)(b) of the Act allows for a permit to be issued for an animal listed in Schedule 3, Part 3 where a licence for that animal was in force immediately before the repeal of the *Non-Indigenous Animals Act 1987*,
- Where an animal is currently kept under a licence issued under the *Exhibited Animals Protection Act 1986* or the *Animal Research Act 1985*, a permit will not be issued to effect the transfer of the animal to a private keeper,
- a new Biosecurity Permit may be issued on animal welfare grounds to effect the transfer of an animal that is currently kept in NSW under a Biosecurity Permit (i.e. not kept outside NSW or under an authority issued under the *Exhibited Animals Protection Act 1986* or the *Animal Research Act 1985*) where the current permitted animal keeper can no longer provide adequate care for the animal and the existing Biosecurity Permit to keep that animal is surrendered or cancelled,
- replacement of existing animals kept under a Biosecurity Permit that die or are removed from a private keeper (by seizure or transfer) will not be permitted.

6. Safety Requirements

The *Work Health and Safety Act 2011* places an obligation on the agency (NSW DPI and LLS) as a person conducting a business or undertaking and workers to provide a safe and healthy workplace. Safe Work Method Statements that support activities included in this policy must be used in identifying, assessing and controlling risks.

NSW DPI and LLS will work together to create a safe and supportive work environment when undertaking any activities for this policy.

7. Outcomes

7.1 The biosecurity risks associated with certain non-indigenous vertebrate animals are assessed and managed according to a consistent, robust and systematic decision making process.

- a) The regulation of non-indigenous vertebrate animals will be made with consideration given to guidance material from the national Environment and Invasives Committee and other relevant bodies,
- b) NSW DPI will regulate the movement and keeping of certain non-indigenous vertebrate animals that are presently within the State,
- c) NSW DPI will prohibit the entry of certain high biosecurity risk non-indigenous vertebrate animals, which are not presently within the State.

Activities

- NSW DPI will use a combination of resources, including the Bureau of Rural Sciences risk assessment models, to assess the biosecurity risks of non-indigenous vertebrate animals (where they are not managed by industry schemes or other legislation), including the risks relating to an event where the animal(s) were to escape and impact on the economy, endanger humans and/or impact negatively on the environment (7.1a).
- NSW DPI will determine who can keep non-indigenous vertebrate animals listed as prohibited dealings and registrable dealings and the conditions that must be met to prevent theft, escape or deliberate liberation of the animals from captivity (7.1b).

- NSW DPI will issue a Biosecurity Permit to engage in a prohibited dealing based on a risk assessment and specifying adequate controls to manage the identified risks (7.1b)(7.1c).
- NSW DPI will issue a Biosecurity Registration to engage in registrable dealings based on a risk assessment and specifying adequate controls to manage the identified risks under the Act (7.1b)(7.1c).
- NSW DPI will assess new applications and renewal applications for Biosecurity Registrations and Biosecurity Permits based on risk assessments and consideration of the particular circumstances, including: the requirement for risk mitigation controls, life expectancy and specialised care requirements of the animal, the suitability of the applicant to keep the animals concerned, the legitimacy of the application, and the location and land ownership or other relevant details as to where the animal will be kept. NSW DPI will also consider other relevant information such as the provision of information on the birth and death of animals, escape of animals and details of permanent identification fitted to animals (7.1b)
- NSW DPI will review annual animal record returns that authorised animal keepers are required to submit to the department (7.1b).

7.2 NSW DPI will minimise the incidence and impact of non-indigenous animals in NSW.

- a) NSW DPI manages the risks associated with the keeping of certain non-indigenous animals through the use of Biosecurity Permits and Biosecurity Registrations with appropriate conditions to provide for optimal welfare outcomes and prevent the escape, theft or deliberate liberation of the animals, the establishment of new pest animal populations and the spread of presently small, isolated pest animal populations in NSW.
- b) NSW DPI engages in active communication with stakeholders to raise awareness of non-indigenous animal keeping requirements and to promote compliance.
- c) NSW DPI determines fees for keeping of non-indigenous animals listed as Prohibited Dealings and Registrable Dealings.

Activities

Setting limits on the maximum number of animals kept under a Biosecurity Registration (7.2a).

The keeping of animals in captivity involves some level of risk that the animals will escape, or be released due to accident or an event such as natural disaster, theft or vandalism. Section 164 of the Act allows for the keeping of three non-native species, (blackbuck, dromedary camel and guanaco) under a Biosecurity Registration. Each of these species is known to have established populations outside its native range or is considered to have pest impacts within its native range. Each species is also considered to have a potential to establish as an invasive species in NSW.

As a general rule, when the number of non-native animals released into an area or the number of discrete animal release events increases, the likelihood that an introduced non-native species will establish in the environment also increases. This effect is known as 'propagule pressure'.

In an effort to mitigate the risks of non-native animals classified as Registerable Dealings escaping and impacting negatively on the environment, economy and the wider community, NSW DPI proposes to set limits on the maximum number of animals that can be kept by registered entities. Previously, a limit on animal numbers was applied to licences issued under the now repealed *Non-Indigenous Animals Act 1987* (as per s 15(2)(b)). A similar facility is considered necessary for managing the biosecurity risks under the Biosecurity Act.

Under s167 of the Act, conditions can be imposed on a Biosecurity Registration requiring certain works or measures to be carried out in order to prevent, eliminate, minimise or

manage the biosecurity risk of a registrable dealing. A condition limiting the maximum number of animals kept is within the intent of the s167 provision. The following factors will be considered by NSW DPI when setting a limit on the maximum number of animals kept under a registrable dealing:

- the capacity of the applicant for the Biosecurity Registration to care for the animals, taking into account any previous experience of the applicant in caring for animals of that or a similar species,
- the overall security of the property and the security of the animal enclosure(s),
- whether the person responsible for the registered animals and/or other responsible persons will be permanently in attendance at the property,
- the enclosure's susceptibility to damage by fire, flooding, pest animals etc.,
- the location of the property,
- the sustainable stocking density of the animal enclosure(s) based on the climate and land use of the surrounding area and total grazing pressure on the property,
- any requirement for breeding animals within an established breeding program such as:
 - An Australasian Species Management Program conducted by the Zoo and Aquarium Association Inc., or
 - An approved Cooperative Conservation Program registered with the Commonwealth Department of Environment and Energy or any subsequent Commonwealth Department responsible for such registration.

Registered entities will be entitled to apply to change the maximum number of animals limit during the Biosecurity Registration renewal processes. In such cases, a risk assessment will be conducted by NSW DPI to determine the risks and benefits associated with the requested change and whether it is an appropriate level of risk.

- NSW DPI has set minimum standards relating to the housing of non-indigenous vertebrate animals. In addition there may be particular conditions stipulated in a Biosecurity Permit or Biosecurity Registration depending on the specific circumstances and associated risks (7.2a).
- NSW DPI will provide advice as appropriate to encourage keepers of non-indigenous vertebrate animals to ensure the risks of animal escape, theft or deliberate liberation of the animals from captivity are mitigated, including advice on security of accommodation such as gates, sliding doors and other doors, barriers and warning signs (7.2a) (7.2b).
- NSW DPI will engage in active communication with stakeholders to raise awareness and promote compliance with the general biosecurity duty (7.2b).
- If unlawful activities are conducted by keepers or if keepers are negligent in their animal care requirements, NSW DPI will take appropriate compliance action (7.2b).
- NSW DPI may conduct compliance audits of registered and permitted entities to ensure compliance with the conditions of permit and conditions of registration (7.2b).
- NSW DPI will set fees based on cost recovery analysis upon application submission and will be revised as required – refer to Table 1.

To ensure suitable animal welfare outcomes, NSW DPI gives consideration to the following factors when assessing an application for a new or renewed Biosecurity Registration or a Biosecurity Permit (7.2a):

- the overall security of the property and the animal enclosure(s),
- the animal enclosure's susceptibility to fire, flooding, entry by pest animals and other factors that may impact on the animals kept,
- ability of a suitably experienced person to regularly inspect the animal(s) and ensure the welfare of the animal(s),
- sustainable stocking capacity of the enclosure(s), to prevent attempts at escape, animal injury and disease,

- animal(s) have access to adequate food, water, shelter and stimulation,
- the specific requirements of the species and/or individual animal(s) are met,
- The climate and land use of the surrounding area.

7.3 Biosecurity Permit and Biosecurity Registration holders are empowered to implement best biosecurity practices to minimise the incidence and impact of biosecurity risks associated with non-indigenous animals.

a) Stakeholders are well informed, engaged and aware of their general biosecurity duty to implement best practices to mitigate risks associated with the keeping of non-indigenous animals.

Activities

- NSW DPI will provide advice to stakeholders about their duties in regards to the responsible keeping of non-indigenous vertebrate animals (7.3a).

Table 1 Prescribed fees

Act	Service	Prescribed Maximum Fee
Section 159 (4)	Application for the grant of biosecurity registration	\$720
	Application for the grant of biosecurity registration of existing licence holders under the <i>Non-Indigenous Act 1987</i> (repealed)	\$420
Section 162 (3) (b)	Application for variation of biosecurity registration	\$70/hour
Section 163 (4)	Application for the renewal of biosecurity registration	\$420
Section 341 (3)	Application for permit	\$720
	Application for the grant of biosecurity permit of existing licence holders under the <i>Non-Indigenous Act 1987</i> (repealed)	\$420

8. Related Procedures

Procedure - Biosecurity - Processing biosecurity permit applications and renewal applications for prohibited dealings

Procedure - Biosecurity Registrations

Procedure - Biosecurity collection, use and disclosure of information

9. Definitions and acronyms

NSW DPI NSW Department of Primary Industries

Dealing A “ dealing” includes things such as, but not limited to; keeping, having possession, care , custody or control of, importing or acquiring, buying or selling, releasing, breeding and displaying biosecurity matter (i.e. an animal).

10. Legislation

Privacy and Personal Information Protection Act 1998

Biosecurity Act 2015

Biosecurity Regulation 2017

11. Other Related Documents

Policy - Records Management (IND-I-177)

Policy - Information Security (IND-I-197)

Policy - Classified Information (IND-I-196)

Policy -Government Information (Public Access) (IND-I-178)

Policy - Biosecurity collection, use and disclosure of information (IND-O-226)

12. Revision History

Version	Date issued	Notes	By
1	01/07/2017	New policy developed in response to the <i>Biosecurity Act 2015</i> .	Manager Invasive Species Strategy and Planning
1.2	24/07/2019	Includes fee schedule Includes animal welfare considerations and guidance on provision for limiting the maximum number of animals able to be kept under a Biosecurity Registration.	

13. Contact

Manager Invasive Species Strategy and Planning

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