CEO GUIDELINE
TO SUPPORT THE BIODIVERSITY CONSERVATION REGULATIONS

FAUNA POSSESSING (OTHER PURPOSES) LICENCE
FOR THE PURPOSE OF REHABILITATING FAUNA FOR
RELEASE INTO THE WILD

1. Legislative basis for this Guideline
   1.1. Regulation 10 of the Biodiversity Conservation Regulations 2018 provides that the
        Chief Executive Officer (CEO) of the Department of Biodiversity, Conservation and
        Attractions may issue licensing guidelines in relation to the licensing scheme in Part 4 of
        the regulations, and that these may be made as necessary or convenient.
   1.2. A Fauna possessing (other purposes) licence may be issued under regulation
        35 to authorise the possession of fauna for the purpose of (a) education, study
        or conservation; or (b) rehabilitating fauna for release into the wild; or any other
        purpose specified in the licence.
   1.3. Regulation 124 requires that a person who takes possession of injured or
        abandoned fauna that is threatened, specially protected or listed in Schedule 6
        (penguins) must notify the CEO in writing within 24 hours of taking possession
        of the fauna.
   1.4. Regulation 126 provides that a person in possession of injured or abandoned
        fauna must within 72 hours either: release the fauna; give it to a wildlife officer or
        a person specified by a wildlife officer; give it to a person who is authorised to
        rehabilitate it; give it to a veterinary surgeon or apply for a licence to retain it.

2. Purpose of this Guideline
   2.1. The purpose of this guideline is to specify the:
       2.1.1. matters that will be considered during the assessment of an application
               for a Fauna possessing (other purposes) licence issued for the purpose
               of rehabilitating fauna for release into the wild, i.e. a licence issued for
               the purpose of regulation 35(1)(a);
       2.1.2. the circumstances under which the CEO may or may not issue a licence;
               and
2.1.3. other matters relevant to the assessment criteria or assessment process.

3. Licence categories

3.1. There are two categories of Fauna possessing (other purposes) licence for rehabilitation – standard and advanced.

3.2. A standard licence is required when the species of fauna to be possessed for rehabilitation:
   • is not listed as threatened fauna or specially protected fauna; and
   • is resilient to handling and to being kept in captivity; and
   • does not have special feeding or housing requirements; and
   • is not dangerous to human health or wellbeing; and
   • does not represent a biosecurity risk.

3.3. An advanced licence is required for fauna that do not meet the criteria in 3.2.2, including:
   • threatened and specially protected fauna;
   • marine fauna (e.g. marine turtles, cetaceans, pinnipeds);
   • dangerous reptiles (e.g. venomous snakes, crocodiles, sea snakes);
   • seabirds (e.g. petrel, penguin, shearwater, albatross); and
   • birds of prey (e.g. kestrel, hobby, osprey, kite, buzzard, owl, eagle, goshawk, sparrowhawk, harrier, falcon).

3.4. Display

3.4.1. Where specifically authorised by a licence condition, fauna may be displayed under this licence type. However, display is not the primary purpose of this licence and a Fauna possessing (display) licence is required where display is the primary purpose.

3.4.2. Licences issued to individuals to hold fauna for rehabilitation for release into the wild will not authorise the display of fauna.

3.4.3. Licences issued to organisations to hold fauna for rehabilitation for release into the wild will only authorise display of fauna in specific circumstances.
4. Application process

4.1. A new application should be submitted at least 20 business days prior to the date on which the *Fauna possessing (other purposes) licence* is required.

4.2. Where a person who does not hold a *Fauna possessing (other purposes) licence* comes into possession of injured or abandoned fauna and intends to hold it for rehabilitation for release to the wild, an application must be made within 72 hours of coming into possession of the fauna.

4.3. An application to renew a licence should be submitted at least 20 business days prior to the date of expiry of a current *Fauna possessing (other purposes) licence*.

4.4. Applications can be made by an individual or an organisation that is incorporated.

4.5. Applications can be made for either a standard or advanced category of licence.

4.6. A licence issued to an individual may only authorise the holding of fauna at one location.

4.7. Organisations may apply for a licence that authorises fauna to be held at multiple locations and by multiple people. Organisations who hold this licence must keep records of people possessing the fauna, the species that are being held, and the locations where the fauna are being held.

4.8. A non-refundable administration fee applies to applications for a new licence or to renew an existing licence. A licence fee also applies but will be refunded if a licence is not issued. These fees have been waived until 1 January 2020.

4.9. An inspection fee may also be applied if an inspection is required during assessment of a licence application, to assess the suitability of the facilities. This fee is charged based on the time taken for the inspection, not including travel time, and is not refundable.

4.10. New applications will generally be determined within 20 business days of the receipt of a complete application form and the required fee.

4.11. Should an application require consideration that would result it in taking longer than 20 business days to determine, the applicant will be kept informed regarding the progress of their application.
4.12. Where an application is for an advanced species that is not commonly held for the purpose of rehabilitation, or the applicant's skills or expertise require further assessment, a longer processing time may apply.

4.13. If an application is unsuccessful, the applicant will be informed and reasons for the decision will be provided.

4.14. Applicants who have previously held species that are not listed as pets may be required to prepare a disposal plan specifying how any animals bred will be disposed of.

5. Assessment Criteria

The following criteria must be met and demonstrated in the application.

5.1. The applicant must:

5.1.1. provide proof of identity;

5.1.2. be a permanent resident of Australia;

5.1.3. be over 18 years of age;

5.1.4. have no relevant wildlife related convictions;

5.1.5. be able to demonstrate appropriate skills and experience in handling and husbandry skills, including knowledge of the species ecology, behaviour and resource needs;

5.1.6. be able to demonstrate a minimum level of experience\(^1\) in fauna rehabilitation (and provide referees to support claims for an advanced licence), or as otherwise approved by a wildlife officer;

5.1.7. for an advanced licence, be able to demonstrate species specific knowledge, experience and provide specialist facilities; and

5.1.8. have completed the DBCA Basic Wildlife Care course (or demonstrate equivalent training or knowledge).

5.2. The applicant must provide adequate reasons where display is identified as an intended activity under the licence.

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\(^1\) The minimum level of experience required has been suggested to be 12 months for a standard licence, which could include experience gained under the guidance of a more experience wildlife rehabilitator, and 3 years for an advanced licence. Comment is requested on this clause.
5.3. The following criteria in relation to facilities and practices must be demonstrated in the application:

5.3.1. facilities and practices must meet the *Draft Code of Practice for Wildlife Rehabilitation in Western Australian (February 2019)*;

5.3.2. how access to veterinary advice and care will be provided;

5.3.3. how risk of escape of fauna will be minimised; and

5.3.4. how risk to human safety will be minimised.

5.4. The following criteria must be demonstrated in an application for a licence to be held by an organisation:

5.4.1. evidence of incorporation;

5.4.2. written procedures and training for members; and

5.4.3. method of maintaining member lists and locations.

5.5. Conditions may be applied to this licence as appropriate, based on the activities proposed and information provided in the application. These may include:

5.5.1. the species of fauna to which the licence relates;

5.5.2. the maximum number of fauna that may be kept;

5.5.3. the site or sites where the fauna must be kept by the licensee;

5.5.4. the feeding of fauna and restrictions on diet (including prohibitions on using live vertebrate animals as food), and handling;

5.5.5. (for a licence issued to an organisation) a minimum or maximum number of people who may hold fauna at another location, and the qualifications or experience of those people;

5.5.6. the circumstances under which the fauna may be possessed by other people on a temporary basis;

5.5.7. a requirement that the fauna must be released (whether after a certain period, on the occurrence of a specified event, or on some other basis specified in the licence);

5.5.8. the place and manner where the fauna may be released;

5.5.9. a requirement for genetic, health or other testing of the fauna or any fauna products; and
5.5.10. A requirement that the holder of the licence must ensure that the licence (or a copy of the licence) is kept on public display at any premises used for the purpose of the licence.

6. Code of Practice and guidelines

6.1. Licensees must comply with the Draft Code of Practice for Wildlife Rehabilitation in Western Australian (February 2019) and related guidelines (including euthanasia of wildlife guideline and acquisition of rehabilitated wildlife that cannot be released to the wild guideline).

7. Records and returns

7.1. The licensee must maintain records detailing acquisition and disposal (including births, deaths and escapes) of all fauna held under the licence, using the record forms provided.

7.2. All records must be entered as they occur and must be made available to a DBCA wildlife officer on request.

7.3. Records must be submitted as returns annually within 15 days of the date of issue of the licence and a final return must be submitted within 15 days of the expiry of this licence.

7.4. Returns must be submitted to DBCA’s Wildlife Licencing Section via wildlife.licensing@dbca.wa.gov.au.

8. Custodian

8.1. The custodian of this Guideline is the Manager, Wildlife Protection Branch, who has primary responsibility for the implementation and timely review of the Guideline.

DIRECTOR GENERAL APPROVAL

Approved by

DIRECTOR GENERAL Effective date: ......................