

NATIONAL PARKS AND WILDLIFE SERVICE



TITLE: REHABILITATION OF FAUNA POLICY

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Rehabilitation of Fauna Policy

Introduction

1. Under the *National Parks and Wildlife Act 1974*, (NPW Act) the Director-General of the NSW National Parks and Wildlife Service (NPWS) has a legislative responsibility for the protection and care of protected fauna (s 92).
2. The Director-General of NPWS may also enter into arrangements for the carrying out of such works as the Director-General considers necessary for or in connection with the protection and care of protected fauna and the protection of native plants (s. 8(7)(b)). The NPWS therefore has a role in the licensing and supervision of persons and organisations involved in the rescue, care and rehabilitation of sick, injured and orphaned protected animals and the release, or retention in captivity, of those animals
3. Section 101(5)(c) of the *National Parks and Wildlife Act, 1974* and selected provisions in the *National Parks and Wildlife Regulation, 2001* relate specifically to fauna rehabilitation. Section 120 of the NPW Act provides a mechanism for the licensing of individuals or organisations to acquire and hold protected fauna for the purpose of rehabilitation. Sections 109 and 127 of the NPW Act provide for the liberation of captive or captured animals.
4. The NPWS recognises the important conservation and animal welfare role performed by wildlife rehabilitation groups. It is important that the NPWS and the rehabilitation groups maintain a partnership to achieve the optimum allocation of resources which may be available for the rehabilitation of protected fauna and to ensure compliance with the regulations is achieved.
5. This policy also applies to the treatment of protected fauna captured as a result of law enforcement processes.

Objectives

6. To provide clear guidelines which identify when it is not appropriate to return protected fauna to the wild and to establish controls which protect animal welfare and assist in meeting conservation objectives.
7. To provide clear and consistent framework for the NPWS in developing and maintaining a partnership with fauna rehabilitation groups in their approach to the rehabilitation of protected fauna.
8. To ensure that fauna rehabilitation groups and individuals are appropriately licensed and accountable for their activities, and that such groups engaged in their rehabilitation activities in the most effective and efficient manner.

9. To contribute to the maintenance of biodiversity through the successful return of temporarily disadvantaged animals to their natural environments.

Scope / Application

10. This policy applies to all of New South Wales.

Policy

Licensing

11. The NPWS will licence selected organisations for the holding of protected fauna for rehabilitation purposes with the exception of marine mammals. Marine mammals can only be held in facilities licensed under the *Exhibited Animals Protection Act 1986* in NSW, or a similar appropriately licensed facility in another State or Territory.
12. While any individual or group may approach the NPWS to operate as carers or rehabilitators of native fauna, the preferred arrangement is to licence and collaborate with a small number of key organisations. This creates a simpler, more stable and more effective administrative arrangement and enables a more efficient means of responding to animal rescue, care and rehabilitation. The NPWS will therefore only consider an application by a group for a new Section 120 licence for rehabilitation purposes if there is no currently NPWS-licensed rehabilitator or rehabilitation organisation operating in the relevant NPWS management area.
13. Licences will not be issued to individuals except in exceptional circumstances. Individuals wishing to contribute to animal rescue, care and rehabilitation will be referred to local NPWS-licensed organisations.
14. All applicants for a licence must demonstrate compliance with the following criteria:
 - Training, competency assessment, supervision and monitoring of wild animal rescuers, carers and rehabilitators with regard to the techniques of wild capture, transport, animal husbandry and housing;
 - Continuing promotion of knowledge and education about the conservation of wildlife and wildlife ecology amongst members;
 - Capacity to submit reports to the NPWS which provide information on the success of rehabilitation programs, including records of all animals from point of collection to fate;
 - Incorporation under the *Associations Incorporation Act, 1984* and/or a registered company operating under the *Prevention of Cruelty to Animals Act, 1979* (RSPCA and Animal Welfare League);
 - Evidence of public liability and personal accident insurance for members. (Incorporation under the *Associations Incorporated Act* requires associations to hold public liability insurance); and
 - Agreement to the euthanasing of animals when certain conditions are met.

15. Licences will be issued through the Wildlife Licensing Section of the Biodiversity Management Unit in NPWS Head Office. Prior to issuing a licence, the Wildlife Licensing Section will consult and seek the opinion of the relevant NPWS Regional Manager(s). Regional Managers should also liaise with the relevant regional staff who might be engaged in the regulation of the licensee. Day to day liaison with licensed carer organisations, including supervision, training and administrative tasks, will be undertaken at a Regional level.
16. Generally, new licences will not be issued unless the proposal has the support of the relevant Regional Manager (or delegated officer). Similarly, the geographic expansion of existing organisations into new localities will be subject to the support of the Regional Manager (or delegated officer) in the area affected. Any geographic restriction will be incorporated in the terms of the licence for a carer organisation.
17. Licences under Section 120 of the NPW Act which were in existence at the time of adoption of this policy, authorising private individuals to hold specific protected fauna for rehabilitation, or to care for a succession of sick, injured and orphaned protected fauna, will be renewed (subject to the continued capacity of the individual to meet licensing criteria (see 13 above)).
18. A licence or authority is not required for the holding by a veterinarian of protected fauna which are sick or injured while such animals are undergoing treatment and are under the direct care of the veterinarian.

Care of animals

19. When rehabilitating protected fauna, every endeavour must be made to provide optimum levels of care and animal welfare. This involves appropriate nutrition, opportunity to express a range of natural behaviours, protection from predators and, if available, access to animals of the same species. Ideally, carers and rehabilitators of protected fauna should develop a working relationship with a veterinarian interested in native wildlife and seek advice and assistance as needed.

Private fauna parks

20. A licence under Section 120 of the NPW Act, to rehabilitate protected fauna, will be available to private fauna parks which can satisfy the Director-General that purpose-built off-exhibit facilities are available and maintained for the rehabilitation of protected fauna. These facilities must meet the standards established by the NPWS or specialist, licensed rehabilitation organisations or individuals for the species concerned and comply with the standard NPWS licensing criteria (see 13 above). This housing requirement will not apply to the rehabilitation of marine mammals or marine reptiles which may be housed and rehabilitated within facilities which are normally used for exhibit purposes. Licences will be processed through the Wildlife Licensing Section in consultation with the appropriate Regional Manager (or delegated officer) and

the Registrar of the *Exhibited Animals Protection Act, 1986* in NSW Agriculture.

21. The rehabilitation activities of licensed private fauna parks will be monitored and/or audited by the NPWS. The NPWS may utilise spot-checks or may require parks to maintain and submit records of rehabilitation activities. NSW Agriculture administers the *Exhibited Animals Protection Act, 1986* and opportunities for collaboration with NSW Agriculture regarding the monitoring and/or auditing of private fauna parks will be explored.
22. A fauna park which cannot demonstrate the continued availability of appropriate facilities and a commitment to legal and ethically responsible rehabilitation will not be permitted to hold protected fauna for rehabilitation. Operators of such parks may accept injured or displaced animals under the terms of s101 of the NPW Act, but must report their possession to the Director-General of NPWS and then promptly pass them on to a licensed rehabilitator.

Release of protected fauna

23. In the interests of genetic integrity of native animal populations, a rehabilitated or hand-raised animal should be returned to a suitable natural environment at or near the locality of the original encounter. An animal should not be transported to a release point across a geographic or physical barrier it would not normally cross
24. Where release is proposed within a NPWS park, such actions must comply with the provisions of NPWS policies on 'Protection of Environmental Integrity' and 'Translocation of Threatened Fauna in NSW'.
25. Protected fauna must not be returned to the wild where:
 - The animal is handicapped with a permanent or long-term disability which could reasonably be assumed to preclude it from leading a normal life and surviving in the wild, or
 - The animal is reasonably suspected to carry a serious disease or a disease which is likely to be transmitted to the detriment of populations or habitat.

Retention of protected fauna

26. Only in exceptional circumstances will the NPWS permit a privately licensed person or a rehabilitation organisation to permanently retain an unreleasable animal in captivity. Approval may be granted only if the animal will serve as an essential companion animal to others of its species which are undergoing rehabilitation, or will be used as an acceptable resource in a licensed exhibit, or an approved educational or scientific program. Consideration will also be given to the granting of approval to retain some traditional aviary and caged birds, reptiles and frogs. The NPWS may place limitations on the numbers of such animals which may be held and specify conditions under which they should be held.

27. Except in the case of threatened species covered by a captive breeding and translocation approval, unreleasable fauna may not be retained for the purpose of captive breeding and release of progeny to the wild.
28. The NPWS will consider on its merits any application from a zoo or fauna park licensed under the *Exhibited Animals Protection Act, 1986*, to recruit protected fauna which has been hand-raised or is undergoing rehabilitation, into the exhibition stock holdings of that park. Approval for the acquisition or retention of such an animal will be subject to the concurrent approval of the Registrar of the *Exhibited Animals Protection Act*.

Euthanasia

29. Euthanasia of animals is a matter of concern, contention and debate in the community. As such, decisions with respect to euthanasia should be made with due consideration of all community views. Where the extent and severity of injuries or illness in an animal mean that any treatment cannot ultimately render the animal fit to return to its natural environment, then the conservation outcome will not be positive and euthanasia should be considered. Protected fauna which cannot be released or retained under the terms of this policy (see 21 to 26) should be humanely euthanased.
30. Where euthanasia is necessary the task should be performed by a qualified veterinarian, if available. If a veterinarian is not available, the operator performing the task should be competent in such procedures and licensed by the appropriate authorities to use a firearm or restricted poisons (eg S3 and S4 poisons such as pentobarbitone sodium) for the purpose of animal welfare.
31. Where existing large collections of protected fauna are held, the NPWS will negotiate with the carer group to reduce the population consistent with the provisions of this policy.

Threatened Species

32. In some cases, it may be desirable to authorise the retention of some individual animals for educational or scientific purposes, including a translocation and captive breeding program for threatened species, in which case their progeny may be released in accordance with the approval.
33. The translocation proposal should address the handling and welfare of animals which cannot be released, and must comply with the NPWS policy on 'Translocation of Threatened Fauna in NSW'.

Vaccination of carers

34. Should it be necessary for a person who is authorised as a carer under a NPWS licence, or operating as part of a NPWS licensed carer organisation, to be vaccinated or to receive any other medical treatment for a disease or infection, or as a precaution against contracting a disease or infection, as part of those carer activities, then this shall be at no cost to the NPWS.

Definitions

NPWS parks means any area reserved or dedicated under the *National Parks and Wildlife Act, 1974* – nature reserves, national parks, Aboriginal areas, State recreation areas, historic sites, karst conservation reserves, regional parks and State game reserves. Parks also includes Crown reserves, reserved under the Crown Lands Act, for which Director-General of NPWS has management responsibility as trustee.

Protected fauna are fauna of a species not named in Schedule 11 of the *National Parks and Wildlife Act, 1974*. Note that threatened species, as listed in Schedule 1 and 2 of the *Threatened Species Conservation Act 1995*, are by definition also considered protected fauna. Schedule 11 appears in Attachment A of this policy.

Relevant Legislation

National Parks and Wildlife Act 1974:

- Section 101(5)(c) relates specifically to the possession of protected fauna which is incapable of fending for itself.
- Section 109 prohibits the liberation of any animal which is native to NSW unless under and in accordance with a licence under Section 127 of the Act.
- Section 127 relates specifically to the licensing of a person to liberate an animal anywhere, or in a specified locality or specified localities, within NSW.
- Section 120(1)(a1) relates to the issuing of a licence authorising private individuals to hold any protected fauna for the purposes of rehabilitation.
- Section 120(5) relates to the authorisation of persons to operate under a Section 120 licence.

Threatened Species Conservation Act, 1995

Exhibited Animals Protection Act, 1986

Poisons and Therapeutic Goods Act, 1966

Firearms Act, 1996

Relevant NPWS Policies and Other Documents

Protection of Environmental Integrity - Policy

Private Holdings of Native Mammals - Policy

Firearms - Policy

Threatened Species Information Circular: Policy for Translocation of Threatened Fauna in NSW

Contacts

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Attachment A

National Parks and Wildlife Act 1974 No 80

Schedule 11 Unprotected fauna

(Sections 5 (1), 93)

Mammals

Carnivore other than Pinnipedia	Bears, lions, dogs, etc
Insectivora	Moles, hedgehogs
Artiodactyla.	Cloven hoofed animals
Perissodactyla	Horses, Donkeys, etc
Primates	Apes, monkeys
Subungulates	Elephants
<i>Lepus europaeus</i>	Hare
<i>Oryctolagus cuniculus</i>	Rabbit
<i>Scirius palmarum</i>	Indian Palm Squirrel

Birds