

South Australia

# **National Parks and Wildlife (Kangaroo Harvesting) Regulations 2018**

under the *National Parks and Wildlife Act 1972*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *National Parks and Wildlife (Kangaroo Harvesting) Regulations 2018*.

### 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

**Act** means the *National Parks and Wildlife Act 1972*;

**back**, of a sealed tag, means the side of the tag that does not display the number allotted to the tag;

**carcass**, of a kangaroo, has the same meaning as in the Act, but does not include skin that has been removed from the rest of the carcass of a kangaroo;

**chiller** means an appliance, room or structure approved for use for the provision of refrigeration facilities for the storage of kangaroo carcasses under an accreditation under the *Primary Produce (Food Safety Schemes) Act 2004*;

**commencement date**, in relation to a sealed tag, means—

- (a) the date of issue of the tag; or
- (b) such later date as is specified in writing by the Director as the commencement date when the tag is issued;

**Commercial Code of Practice** means the *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes*, endorsed by the Natural Resource Management Ministerial Council (First edition, 2008), as in force from time to time;

**commercial harvest management region** means an area of the State—

- (a) designated by the kangaroo plan of management as a commercial harvest management region for the taking of kangaroos of a common species; and
- (b) divided into commercial harvest sub-regions for which commercial harvest quotas for the taking of such kangaroos may be set under the plan from time to time;

**commercial harvest sub-region** means an area of the State (forming part of a commercial harvest management region)—

- (a) that is designated by the kangaroo plan of management as a commercial harvest sub-region; and
- (b) for which a commercial harvest quota for the taking of kangaroos of a common species is currently in force under the plan;

**commercial use**, of a kangaroo that has been taken, means the sale or supply of the carcass or skin of the kangaroo;

**commercial use sealed tag** means a sealed tag issued for attachment to the carcass or skin of a kangaroo taken for commercial use;

**common**, in relation to species of kangaroo, means the following species of kangaroo:

- (a) eastern grey kangaroo—*Macropus giganteus*;
- (b) euro (wallaroo) (hill kangaroo)—*Macropus robustus*;
- (c) red kangaroo—*Macropus rufus*;
- (d) tammar wallaby—*Macropus eugenii*;
- (e) western grey kangaroo—*Macropus fuliginosus*;

**completed**, in relation to a field record book of the holder of a section 60J permit, means a field record book that has been completed (or is no longer used) by the permit holder, other than—

- (a) a book completed (or whose use was discontinued) before the commencement of these regulations; or
- (b) a book that is no longer required to be kept by the permit holder under regulation 28;

**field processing**, in relation to a kangaroo taken pursuant to a section 60J permit, means dressing the carcass into a form in which it is permitted to be sold under these regulations;

**field record book**—see regulation 26;

**imported**, in relation to the carcass of a kangaroo, means imported into the State under a section 59 permit;

**kangaroo** means an animal of the genus *Macropus*;

**kangaroo field processor** means a person who—

- (a) is the holder of a section 60J permit that authorises the holder to take kangaroos of a specified common species by means of a firearm for sale or use; and
- (b) conducts field processing of the kangaroos so taken;

**kangaroo meat processor** means a person who—

- (a) carries on the business of processing kangaroo carcasses for human or animal consumption or for any other purpose; and
- (b) is the holder of a section 58(3) permit authorising the holder to sell kangaroo carcasses and skins;

**kangaroo plan of management** means the *South Australian Commercial Kangaroo Management Plan 2018-2022*, being the plan of management in relation to the harvesting of common kangaroo species adopted by the Minister under section 60I of the Act, notice of the adoption of which was published in the Gazette on 19 December 2017 at page 5104, as varied or substituted from time to time;

**kangaroo skin tanner** means a person who—

- (a) carries on the business of tanning skins; and

- (b) is the holder of a section 58(3) permit authorising the holder to sell kangaroo skins;

**nominated** means nominated to the Director in accordance with these regulations;

**number**, of a sealed tag, means the numbers, letters or other marks identifying the tag;

**out of date**, in relation to an unused sealed tag—see subregulation (2);

**personal use**, of a kangaroo that has been taken, means any use of the carcass or skin of the kangaroo other than the sale or supply of the carcass or skin;

**personal use sealed tag** means a sealed tag issued for attachment to the carcass or skin of a kangaroo taken for personal use;

**regional landowner** means an owner of land that is located within a commercial harvest management region;

**rendered unusable**, in relation to a sealed tag—see subregulation (2);

**reserve**, in relation to species of kangaroo, means the following species of kangaroo:

- (a) euro (wallaroo) (hill kangaroo)—*Macropus robustus*;
- (b) red kangaroo—*Macropus rufus*;
- (c) western grey kangaroo—*Macropus fuliginosus melanops*;

**return book**—see regulation 27;

**sealed tag** means a tag issued by the Director for attachment to the carcass or skin of a kangaroo to show that royalty has been paid in relation to the taking of the kangaroo;

**section 53(1)(c) permit** means a permit granted under section 53(1)(c) of the Act;

**section 58(3) permit** means a permit granted under section 58(3) of the Act;

**section 59 permit** means a permit granted under section 59 of the Act;

**section 60J permit** means a permit granted under section 60J of the Act;

**skin**, of a kangaroo, means the whole or any part of the skin of a kangaroo that has been removed from the rest of the carcass of the kangaroo;

**unused**, in relation to a sealed tag, means a sealed tag that has not been attached to the carcass or skin of a kangaroo;

**use**, in relation to a kangaroo that has been taken, does not include allowing the kangaroo to lie on the land, or burying or burning the kangaroo, where it was taken;

**working day** means any day other than a Saturday or a Sunday or other public holiday.

- (2) For the purposes of these regulations—

- (a) an unused sealed tag will be taken to be **out of date** if—
  - (i) the initial period, referred to in regulation 6(1), for which the tag was issued has expired and no extension has been granted; or
  - (ii) the latest extension of that initial period, referred to in regulation 6(1) or (2), has expired and no extension has been granted;
- (b) the recording of information on (or other alteration of) a sealed tag after the tag has been issued will not, if that recording (or other alteration) is—

- (i) required by these regulations; or
- (ii) authorised in writing by the Director,  
be taken to be an alteration of the tag, and the tag will not (by reason only of the recording or other alteration) be taken to have been altered, damaged or destroyed;
- (c) a sealed tag will be taken to have been *rendered unusable* if the tag has been cut in half or its number has been obliterated or removed from the rest of the tag.

#### **4—Application of regulations**

- (1) Unless the contrary intention appears, these regulations apply only in relation to kangaroos taken pursuant to a section 60J permit or a section 53(1)(c) permit.
- (2) These regulations do not apply to, or in relation to—
  - (a) the carcass of a kangaroo after a sealed tag attached to the carcass has been removed from the carcass in accordance with these regulations; or
  - (b) the skin of a kangaroo after a sealed tag attached to the skin has been removed from the skin in accordance with these regulations.

#### **4A—Additional species to which Part 5 Division 4B of Act applies**

Pursuant to section 60G(3) of the Act, Part 5 Division 4B of the Act is declared to apply to, and in relation to, protected animals of the following species:

- (a) eastern grey kangaroo—*Macropus giganteus*;
- (b) tammar wallaby—*Macropus eugenii*;
- (c) western grey kangaroo—*Macropus fuliginosus fuliginosus*.

## **Part 2—Sealed tags**

### **5—Issue and supply of sealed tags**

- (1) The Director may issue sealed tags in accordance with these regulations.
- (2) A commercial use sealed tag may only be issued to—
  - (a) a kangaroo meat processor; or
  - (b) a kangaroo field processor; or
  - (c) a regional landowner.
- (3) The Director will—
  - (a) issue a numbered sealed tag of such colour; and
  - (b) maintain such records in relation to the tag,  
as will enable the matters referred to in regulation 9 to be identified from the tag.
- (4) A sealed tag issued by the Director remains the property of the Crown.

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- (5) A person to whom a sealed tag is issued must, in a manner and form approved by the Director, provide such information and make such nominations as are required by the Director for the purposes of these regulations (and a nomination so made may be altered with the approval of the Director).
  - (6) A kangaroo meat processor or regional landowner to whom a commercial use sealed tag is issued may supply the tag to a kangaroo field processor who is nominated to the Director in accordance with these regulations as the person who is to take the kangaroo.
  - (7) A kangaroo field processor who is in possession of a commercial use sealed tag pursuant to subregulation (6) may, if authorised to do so by the kangaroo meat processor or regional landowner referred to in that subregulation, supply the tag to another kangaroo field processor nominated to the Director in accordance with these regulations as the person who is to take the kangaroo.
  - (8) A holder of a section 53(1)(c) permit to whom a personal use sealed tag is issued may supply the tag to a person who is to take the kangaroo pursuant to that permit.
  - (9) A person to whom a sealed tag has been issued or supplied must not sell or supply the tag to another person unless—
    - (a) permitted to do so by this regulation or regulation 8; or
    - (b) authorised in writing to do so by the Director.

Maximum penalty: \$2 000.

Expiation fee: \$200.

## **6—Period for which sealed tags may be issued**

- (1) The Director may issue a sealed tag for a period not exceeding 12 months from the commencement date of the tag and may (at the Director's complete discretion), if the tag is originally issued for a period of less than 12 months, extend or further extend that period (in such manner as the Director thinks fit) to a period not exceeding 12 months in total.
- (2) If a sealed tag originally issued for 12 months or whose original period has been extended to 12 months under subregulation (1) has not been used before the expiry of that 12 month period (being 12 months from the commencement date of the tag), the Director may, on application in accordance with this regulation by the person who has possession of the tag, extend (by written notice to that person) the period during which the tag may be used for up to a further 12 months.
- (3) An application under subregulation (2) must be made—
  - (a) within 30 days before the expiry of the 12 month period (from the commencement date of the tag) referred to in that subregulation; and
  - (b) in a manner and form approved by the Director.
- (4) A sealed tag may only be used during the period for which it has been issued, or, if that period has been extended in accordance with this regulation, during that extended period.

### **7—Unused sealed tags to be kept in safe place and loss to be reported to Director**

A person who has an unused sealed tag must—

- (a) keep the tag in a place that is secure against theft, loss or damage; and
- (b) if the tag is stolen, lost or damaged, inform the Director of the identity of the tag before the end of the next working day after the day on which the person becomes aware of that theft, loss or damage.

Maximum penalty: \$2 000.

Expiation fee: \$200.

### **8—Unused sealed tags that are out of date**

- (1) A person to whom a sealed tag is issued must ensure that any such tag that is unused and out of date is, in a manner and form approved by the Director, returned to the Director before it is 30 days out of date.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (2) It is a defence to a charge of an offence against subregulation (1) to prove that the person to whom the sealed tag was issued—
  - (a) supplied the tag to another person in accordance with these regulations; and
  - (b) took all reasonable steps to ensure that the tag so supplied was returned to the Director in accordance with subregulation (1).
- (3) Where an unused sealed tag is out of date, the Director may, on application in accordance with this regulation by the person to whom the tag was issued, repay the royalty paid in respect of the tag.
- (4) An application under subregulation (3) must be made—
  - (a) within 30 days after the last time that the sealed tag became out of date; and
  - (b) in a manner and form approved by the Director.
- (5) A person must not have possession of an unused sealed tag that is more than 30 days out of date.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (6) A warden may seize an unused sealed tag that is more than 30 days out of date.

### **9—Sealed tag colours and numbers**

- (1) A commercial use sealed tag—
  - (a) must be marked with a number; and
  - (b) must be of the following colour—
    - (i) if it is to be attached to a red kangaroo—orange;
    - (ii) if it is to be attached to a western grey kangaroo—white;
    - (iii) if it is to be attached to a euro—blue;



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- (iv) if it is to be attached to a kangaroo of a common species other than a species specified above—a colour determined by the Director and notified in the Gazette for that species (not being yellow or a colour specified in, or determined under, this subregulation for kangaroos of another common species).
- (2) A commercial use sealed tag must, by reason of its colour and number, identify—
    - (a) the tag as a commercial use sealed tag; and
    - (b) the species of the kangaroo to which it is to be attached; and
    - (c) the commercial harvest sub-region nominated as the sub-region from which the kangaroo is to be taken; and
    - (d) the kangaroo field processor nominated to take the kangaroo.
  - (3) A personal use sealed tag must be marked with a number and must be yellow in colour.
  - (4) A personal use sealed tag must, by reason of its colour and number, identify—
    - (a) the tag as a personal use sealed tag; and
    - (b) if the kangaroo is to be taken on land that is within a commercial harvest sub-region—the commercial harvest sub-region nominated as the sub-region from which the kangaroo is to be taken.

#### **10—Method of attaching sealed tags**

- (1) Where a sealed tag is to be attached to the carcass of a kangaroo, it must be attached to the skin of the carcass at the point indicated in Schedule 1.
- (2) Where a personal use sealed tag is to be attached to the skin of a kangaroo that has been removed from the rest of the carcass of the kangaroo, it must be attached to the skin at the point indicated in Schedule 1.
- (3) In each case the tag must be firmly attached in the following manner:
  - (a) the strip of plastic that constitutes the tag must be passed through the skin and formed into a loop that encloses at least 3 centimetres of skin; and
  - (b) the loop must be completed and locked into place around the enclosed portion of skin such that the tag is secured.
- (4) Despite this regulation, where a kangaroo is taken for personal use and the portion that is to be so used does not include the point of attachment indicated in Schedule 1—
  - (a) the personal use sealed tag may be attached to the portion (or, if more than 1 portion is to be used, to 1 such portion) at any suitable point; and
  - (b) where the portion is a portion of carcass that has no skin, the tag must be attached to the flesh of the carcass in the manner described in subregulation (3) for attachment to the skin.

- (5) Where a kangaroo taken for personal use is, on being taken, divided into portions and more than one such portion is to be used, all portions that are to be used must (until use) be kept—
- (a) in the same bag or other container as the portion to which the sealed tag is attached and separate from any portion of a different kangaroo or other animal; or
  - (b) in such other manner as allows the clear identification of the portions to which the tag relates.
- (6) A sealed tag attached in accordance with this regulation will, for the purposes of these regulations, be taken to be attached in accordance with this regulation to each portion referred to in subregulation (5) that is kept in the manner specified in the subregulation.

### **11—Prohibition of attachment of sealed tags to kangaroos not taken under permit or attachment of objects that are not sealed tags**

A person must not—

- (a) attach a sealed tag to the carcass or skin of a kangaroo other than a kangaroo that has been taken pursuant to a section 60J permit or a section 53(1)(c) permit; or
- (b) attach any other object to the carcass or skin of a kangaroo,

unless the person is authorised to do so—

- (c) in writing by the Director; or
- (d) under another Act or law.

Maximum penalty: \$2 000.

Expiation fee: \$200.

### **12—Prohibition of unauthorised alteration, damage or destruction of sealed tags**

- (1) A person must not alter, damage or destroy an unused sealed tag unless the person—
- (a) is required to do so by these regulations; or
  - (b) is authorised in writing to do so by the Director.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (2) A person must not alter, damage or destroy a sealed tag that is attached to the carcass or skin of a kangaroo unless the alteration, damage or destruction—
- (a) occurs in removing the attached sealed tag from the carcass or skin pursuant to these regulations; or
  - (b) is required by these regulations; or
  - (c) is authorised in writing by the Director.

Maximum penalty: \$2 000.

Expiation fee: \$200.

### **13—Removal and destruction of sealed tags**

- (1) A person must not remove or attempt to remove a sealed tag from the carcass or skin of a kangaroo unless the person—
  - (a) is authorised to do so by this regulation; or
  - (b) is authorised in writing to do so by the Director.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (2) A commercial use sealed tag may be removed from the carcass (but not the skin) of a kangaroo by a kangaroo meat processor when the kangaroo meat processor processes the carcass.
- (3) A commercial use or personal use sealed tag may be removed from the skin of a kangaroo by a kangaroo skin tanner when the skin is tanned in the course of the kangaroo skin tanner's business.
- (4) A personal use sealed tag may be removed from the carcass or skin of a kangaroo by the person who took the kangaroo when personal use is made of the carcass or skin.
- (5) A person who removes a sealed tag from the carcass or skin of a kangaroo in accordance with these regulations must, if the tag is not destroyed or rendered unusable in being removed, immediately destroy the tag or render it unusable.

Maximum penalty: \$2 000.

Expiation fee: \$200.

### **14—Prohibition of possession of used sealed tags**

A person must not have possession of a sealed tag that has been removed from the carcass or skin of a kangaroo unless—

- (a) the tag has been destroyed or rendered unusable in accordance with regulation 13(5); or
- (b) the person is authorised in writing to do so by the Director.

Maximum penalty: \$2 000.

Expiation fee: \$200.

## **Part 3—Harvesting kangaroos under section 60J permit**

### **Division 1—Preliminary**

#### **15—Part 3 interpretation**

In this Part, unless the contrary intention appears—

*kangaroo meat processor* means a person who—

- (a) carries on the business of processing kangaroo carcasses for human or animal consumption or for any other purpose; and

- (b) is the holder of a section 58(3) permit authorising the holder to sell kangaroo carcasses and skins or a corresponding licence or permit under the laws of another State or a Territory of the Commonwealth;

*permit* means a section 60J permit that authorises the taking of a kangaroo of a common species;

*permit holder* means the person to whom the section 60J permit is granted.

## **16—Provisions of this Part are conditions of section 60J permit**

The provisions of this Part are, unless otherwise stated in a permit, conditions of a section 60J permit that authorises the taking of a kangaroo of a common species.

## **17—Permit holder must not contravene regulations**

The permit holder must not contravene or fail to comply with a requirement of these regulations or of other regulations under the Act.

## **Division 2—Taking kangaroos**

### **18—Only permit holder may take kangaroo**

The permit holder must not cause or permit another person to—

- (a) take a kangaroo pursuant to the permit; or
- (b) sell, supply or use the carcass or skin of such a kangaroo pursuant to the permit.

### **19—Permit holder may only take from land within commercial harvest sub-region**

- (1) The permit holder may only take a kangaroo pursuant to the permit from land that is within a commercial harvest sub-region for which a commercial harvest quota for that species of kangaroo is currently in force under the kangaroo plan of management.
- (2) If land referred to in subregulation (1) is a reserve under the Act, the permit holder may only take a kangaroo from the reserve pursuant to the permit if—
  - (a) the kangaroo is a kangaroo of a reserve species; and
  - (b) the plan of management adopted by the Minister for the reserve under section 38 of the Act (*the reserve plan of management*) provides for the culling of kangaroos of that species from the reserve; and
  - (c) the kangaroo may be taken without exceeding the number of kangaroos of that species permitted to be culled under the reserve plan of management; and
  - (d) the kangaroo is taken in accordance with any requirements under the reserve plan of management for the taking of such a kangaroo from the reserve.

**20—Permit holder with commercial use sealed tag supplied by regional landowner may only take from landowner's land**

Where a commercial use sealed tag issued to a regional landowner and subsequently supplied by the landowner to the permit holder (either directly or through another permit holder in accordance with regulation 5(7)) is to be used, the permit holder may only take a kangaroo pursuant to the permit from the land of that regional landowner (or from such part of it as the landowner authorises).

**21—Requirement for Director to be given notice of location of chiller before taking kangaroo**

Where a commercial use sealed tag is to be used, the permit holder must not take a kangaroo pursuant to the permit unless notice has been given to the Director—

- (a) at least 24 hours before the kangaroo is taken; and
- (b) in a manner and form approved by the Director,

of the intended location of the chiller in which the carcass is first to be stored after field processing.

**22—Requirement to possess sealed tag before taking kangaroo**

The permit holder must not take a kangaroo pursuant to the permit unless the person is in possession of an unused sealed tag that—

- (a) is appropriate for the use (commercial or personal) to be made of the kangaroo; and
- (b) is one for which the commercial harvest sub-region containing the land on which the kangaroo is to be taken is nominated; and
- (c) in the case of a commercial use sealed tag—
  - (i) is the correct colour for the species of kangaroo to be taken; and
  - (ii) identifies the permit holder as the kangaroo field processor nominated to take the kangaroo; and
- (d) is not out of date; and
- (e) has not been altered or damaged.

**23—Requirement to be in possession of field record book before taking kangaroo**

The permit holder must not take a kangaroo pursuant to the permit unless the permit holder is in possession of the permit holder's field record book at the location at which the kangaroo is taken.

**24—Requirement to attach sealed tag after taking kangaroo**

- (1) The permit holder must, immediately after taking a kangaroo pursuant to the permit, attach to the carcass of the kangaroo in accordance with these regulations an unused sealed tag that—
  - (a) is the appropriate tag for the use (commercial or personal) to be made of the carcass; and

- (b) is a tag for which the commercial harvest sub-region containing the land on which the kangaroo was taken is nominated; and
  - (c) in the case of a commercial use sealed tag—
    - (i) is the correct colour for the species of kangaroo taken; and
    - (ii) identifies the permit holder as the kangaroo field processor nominated to take the kangaroo; and
  - (d) is not out of date; and
  - (e) has not been altered or damaged.
- (2) The permit holder must attach a tag in accordance with subregulation (1) whether or not the carcass or skin of the kangaroo is in fact then used.

## **25—Requirement to record taking on tag and in field record book after taking kangaroo**

- (1) The permit holder must, immediately after taking a kangaroo pursuant to the permit—
- (a) record on the back of the sealed tag attached to the carcass of the kangaroo, legibly and in a manner and form approved by the Director, the identity of the permit holder and the date and property on which the kangaroo was taken; and
  - (b) record in the permit holder's field record book the information specified in Schedule 2.
- (2) If the back of a tag is not accessible, the information referred to in subregulation (1)(a) may be recorded in accordance with that subregulation elsewhere on the tag, but not so as to obscure the number allotted to the tag.

## **Division 3—Field record books and returns**

### **26—Requirement to keep field record book**

The permit holder must keep a book (a *field record book*) for the purpose of recording the information required by Schedule 2 in relation to each kangaroo taken pursuant to the permit.

### **27—Requirement to provide returns**

- (1) The permit holder must, no more than 14 days after the last day of each month, provide the Director with a return completed and signed by the permit holder that sets out the information required by Schedule 2.
- (2) For that purpose, the permit holder must use a return supplied by the Director, whether supplied individually or bound in the form of a book (the *return book*).

### **28—Requirement to keep field record books and copies of returns**

The permit holder must keep each completed field record book, and a copy of each completed return provided to the Director, in a safe and secure place—

- (a) at the permit holder's principal place of residence; or
- (b) at such other location as may be approved by the Director on application by the permit holder,

for a period of at least 3 years.

### **29—Requirement to notify Director if books or copies of returns lost, damaged**

Where a field record book, return book, completed field record book or copy of a completed return is lost or damaged, the permit holder must notify the Director of that loss or damage before the end of the next working day after the day on which the permit holder becomes aware of it.

### **30—Requirement to produce books or copies of returns on request**

The permit holder must, as soon as is practicable after being requested to do so by a warden, produce for inspection by the warden any field record book, return book, completed field record book or copy of a completed return that is in the custody or control of the permit holder.

### **31—Requirement to produce books or copies of returns for court proceedings**

The permit holder must, if the permit holder is charged with an offence against the Act or regulations made under the Act and has custody or control of a field record book, return book, completed field record book or copy of a completed return that the Director or a warden believes is relevant to the charge, produce that book or copy to the court that hears the charge if the Director or warden requests the permit holder to do so.

## **Division 4—Sale and supply of kangaroos**

### **32—Requirement to sell, supply to meat processor**

The permit holder must not sell or supply the carcass of a kangaroo taken for commercial use pursuant to the permit to a person other than a kangaroo meat processor.

### **33—Only head-shot etc kangaroos to be sold, supplied**

The permit holder must not sell or supply the carcass of a kangaroo taken for commercial use pursuant to the permit unless—

- (a) the kangaroo was taken in accordance with the Commercial Code of Practice; and
- (b) the kangaroo has not suffered damage from a firearm other than damage to the head.

### **34—Prohibition of sale or supply of skin of kangaroo**

The permit holder must not sell or supply the skin of a kangaroo taken pursuant to the permit.

## **Part 4—Taking kangaroos for personal use under section 53(1)(c) permit**

### **35—Part 4 interpretation**

In this Part, unless the contrary intention appears—

*section 53(1)(c) permit* means a permit granted under section 53(1)(c) of the Act that authorises the taking of a kangaroo for personal use.

### **36—Requirement to possess personal use sealed tag before taking kangaroo**

- (1) Subject to this regulation, a person must not take a kangaroo pursuant to a section 53(1)(c) permit for personal use unless the person is in possession of an unused personal use sealed tag that—
  - (a) if the kangaroo is to be taken on land that is within a commercial harvest sub-region—is one for which that sub-region is nominated; and
  - (b) is not out of date; and
  - (c) has not been altered or damaged.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (2) Subregulation (1) does not apply to a person who is exempted by the section 53(1)(c) permit from a requirement under these regulations to attach a sealed tag to the carcass or skin of a kangaroo taken pursuant to the permit.

### **37—Requirement to attach sealed tag, and record permit number, after taking kangaroo for personal use**

- (1) Subject to this regulation, a person who takes a kangaroo pursuant to a section 53(1)(c) permit for personal use must, immediately after taking the kangaroo—
  - (a) attach an unused personal use sealed tag that complies with subregulation (2) to the carcass or skin of the kangaroo in accordance with these regulations; and
  - (b) record on the back of the tag, legibly and in a manner and form approved by the Director, the number of the section 53(1)(c) permit pursuant to which the kangaroo was taken.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (2) The sealed tag—
  - (a) must, if the kangaroo was taken on land that is within a commercial harvest sub-region, be one for which that sub-region is nominated; and
  - (b) must not be out of date; and
  - (c) must not have been altered or damaged.



- (3) If the back of a tag is not accessible, the information referred to in subregulation (1)(b) may be recorded in accordance with that subregulation elsewhere on the tag, but not so as to obscure the number allotted to the tag.
- (4) This regulation does not apply to a person who is exempted by the section 53(1)(c) permit from a requirement under these regulations to attach a sealed tag to the carcass or skin of a kangaroo taken pursuant to the permit.

## **Part 5—Miscellaneous**

### **38—Prohibition of taking while in possession of incorrect sealed tags**

A person must not, without reasonable excuse, take a kangaroo on any land—

- (a) pursuant to a section 60J permit; or
- (b) if the land is within a commercial harvest sub-region, a section 53(1)(c) permit,

while in possession of an unused sealed tag, if the land on which the kangaroo is taken is not within the commercial harvest sub-region nominated for that sealed tag as the sub-region from which the kangaroo must be taken.

Maximum penalty: \$2 000.

Expiation fee: \$200.

### **39—Prohibition of possession etc of carcasses, skins without sealed tags**

A person must not have possession or control of the carcass or skin of a kangaroo taken pursuant to a section 60J permit or a section 53(1)(c) permit (other than a section 53(1)(c) permit referred to in regulation 37(4)) unless a sealed tag is attached to the carcass or skin in accordance with these regulations.

Maximum penalty: \$2 000.

Expiation fee: \$200.

### **40—Prohibition of removal of carcasses, skins from private land without sealed tags**

Where a kangaroo is taken on private land pursuant to a section 60J permit or a section 53(1)(c) permit (other than a section 53(1)(c) permit referred to in regulation 37(4)), a person must not remove the carcass or skin of the kangaroo from the land unless a sealed tag is attached to the carcass or skin in accordance with these regulations.

Maximum penalty: \$2 000.

Expiation fee: \$200.

### **41—Prohibition of sale, supply, purchase, receipt of carcasses, skins without commercial use sealed tags**

- (1) A person must not sell or supply the carcass or skin of a kangaroo unless a commercial use sealed tag is attached to the carcass or skin in accordance with these regulations.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (2) A kangaroo meat processor must not purchase or receive the carcass of a kangaroo unless—
- (a) a commercial use sealed tag is attached to the carcass in accordance with these regulations; or
  - (b) in the case of a carcass imported from another State or a Territory of the Commonwealth—a corresponding tag is attached to the carcass in accordance with the laws of that State or Territory.

Maximum penalty: \$2 000.

Expiation fee: \$200.

#### **42—Form of carcass for sale or supply**

- (1) Subject to this regulation, a person must not sell or supply the carcass of a kangaroo in any form other than—
- (a) as the whole of the carcass (with the skin attached) that remains after the head, the tail, the rear legs to the first joint and all of the abdominal organs (other than the heart, lungs, liver and kidneys) have been removed; or
  - (b) that described in paragraph (a), but including the tail (not detached from the rest of the carcass).

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (2) Despite subregulation (1), the carcass of a kangaroo may be sold or supplied in such other form as may be specified in a section 60J permit or section 58(3) permit pursuant to which it is sold or supplied.

#### **43—Further restrictions on taking of kangaroos**

- (1) The Director may, by notice in the Gazette and in a newspaper circulating in the area in which the notice will apply—
- (a) declare a weight limit for the taking of kangaroos or the sale or supply of kangaroo carcasses under the Act; or
  - (b) prohibit or impose other restrictions on the taking of kangaroos under the Act,
- where in the opinion of the Director such a weight limit, prohibition or restriction is necessary for the preservation or conservation of kangaroos.
- (2) A notice under subregulation (1) may—
- (a) be restricted in its application to kangaroos taken in a specified part of the State; or
  - (b) vary in its application according to the species or sex of the kangaroos; or
  - (c) specify any other factors in relation to the application of the weight limit, prohibition or restriction,

and may be varied or revoked by a subsequent notice under that subregulation.

- (3) A person must not contravene or fail to comply with a weight limit, prohibition or other restriction declared or imposed under subregulation (1).

Maximum penalty: \$2 000.

Expiation fee: \$200.

#### **44—Electronic form of books and returns**

- (1) Where a person is required by these regulations to record information in a field record book, return book or return, and the Director authorises the book or return to be kept in electronic form or provided to the Director by means of an electronic communication—
- (a) a reference in these regulations to a field record book, return book, return, completed field record book or copy of a completed return includes a reference to the book, return or copy in that electronic form; and
  - (b) a reference in these regulations to the provision of a completed return to the Director includes a reference to provision by means of that authorised electronic communication; and
  - (c) a reference in these regulations to the supply by the Director of a return book or return includes a reference to the supply by the Director of a template or other structure for that electronic form of the book or return; and
  - (d) a reference in these regulations to the production of a field record book, return book, completed field record book or copy of a completed return at the request of a warden, or to a court at the request of the Director or a warden, means production in the form (electronic or printed) requested.
- (2) A requirement in these regulations that a completed field record book or copy of a completed return be kept in a safe and secure place at a residence or other location will, if such a book or copy is maintained in electronic form, be taken to be a requirement that the book or copy be kept in that electronic form in a place at that residence or other location at which it is safe and secure and can be readily accessed should it be required to be produced to a warden or a court in accordance with these regulations.
- (3) If, for the purposes of these regulations—
- (a) there is a requirement that a person must sign a completed return or other document that is to be provided to the Director; and
  - (b) the document is provided in electronic form,
- that requirement will be taken to have been satisfied if an electronic signature, or other method, approved by the Director, is used to identify the person providing the document.

#### **45—Failure to comply that is breach of condition by permit holder not to constitute offence against regulations**

If—

- (a) a person is the holder of a section 60J permit; and
- (b) the person contravenes or fails to comply with a provision of these regulations or other regulations under the Act; and

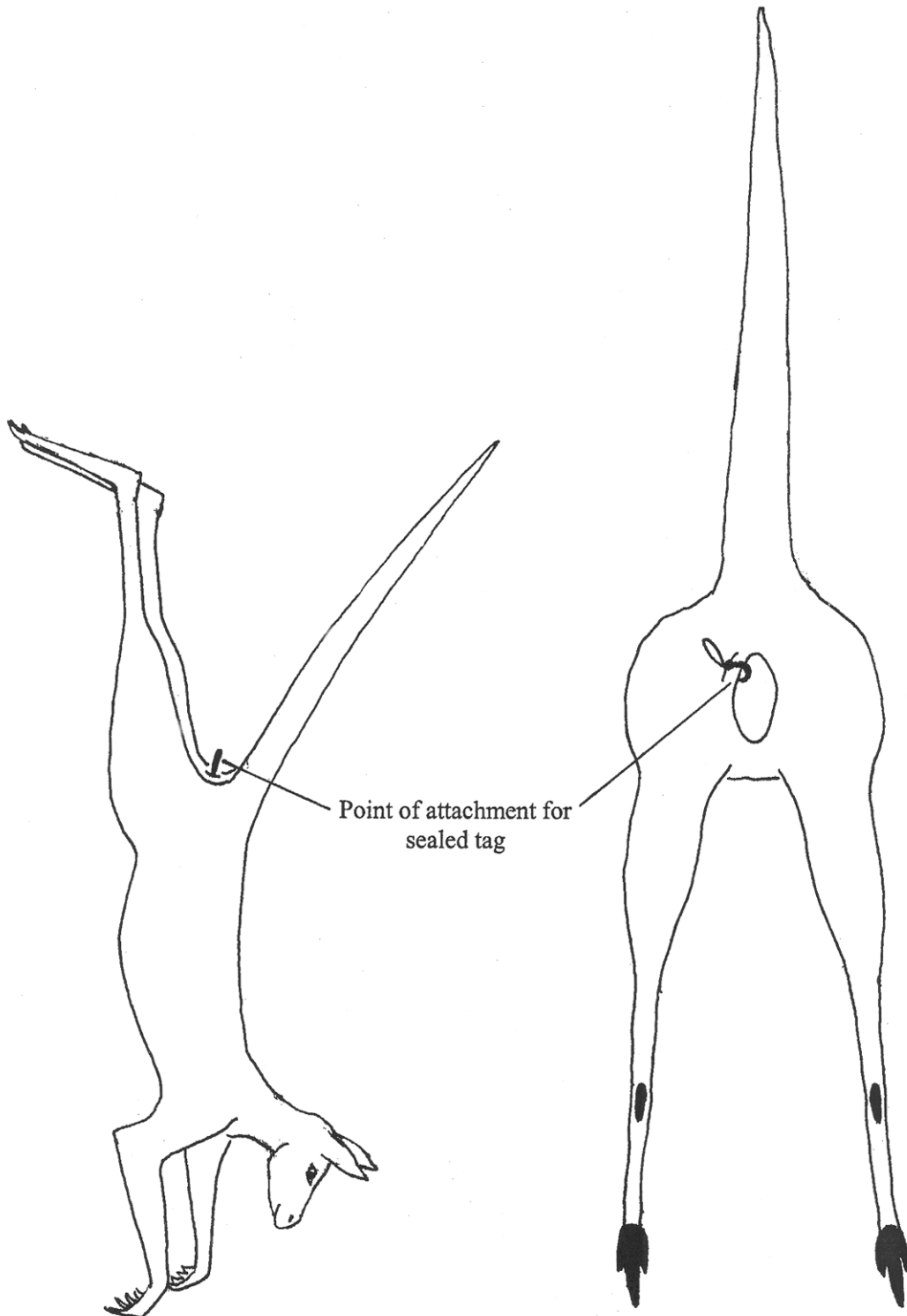
- (c) that contravention or failure to comply constitutes a breach of a condition of the permit under regulation 17,

that contravention or failure to comply does not constitute an offence against the regulation concerned.

**Note—**

A breach of a condition of a section 60J permit will constitute an offence against section 70A of the Act.

## Schedule 1—Point for attaching sealed tags



## Schedule 2—Field record books; returns

### 1—Information to be recorded in section 60J permit field record book (regulation 26)

- (a) Date on which the kangaroo was taken
- (b) Property on which kangaroo taken
- (c) Species of the kangaroo
- (d) Sex of the kangaroo
- (e) Number of the sealed tag attached to the carcass or skin of the kangaroo
- (f) Weight of the carcass of the kangaroo (kg)

### 2—Information to be recorded in section 60J permit return (regulation 27)

- (a) Month and year to which return relates
- (b) Name of permit holder
- (c) Address of permit holder
- (d) Registration number of permit holder's vehicle
- (e) Make and model of permit holder's vehicle
- (f) Date on which kangaroo taken
- (g) Property on which kangaroo taken
- (h) Tag allocation number
- (i) Species of kangaroo taken
- (j) Location of chiller in which carcass was stored
- (k) Code assigned to the chiller under *Primary Produce (Food Safety Schemes) Act 2004*
- (l) Number of kangaroo carcasses of each sex
- (m) Total weight in kilograms of kangaroo carcasses of each sex
- (n) Number of kangaroo carcasses sold (per species)
- (o) Date carcasses sold
- (p) Total weight in kilograms of carcasses for each sale
- (q) Name of purchaser of carcasses
- (r) Kangaroo sealed tag numbers for carcasses left in field, with date, location and reason left
- (s) Total number of kangaroo sealed tags lost and number of each tag

## Schedule 3—Transitional provisions

### Part 1—Preliminary

#### 1—Interpretation

In this Schedule—

*the revoked regulations* means the *National Parks and Wildlife (Kangaroo Harvesting) Regulations 2003*.

### Part 3—Transitional provisions

#### 3—Permits granted before the commencement of these regulations

A reference in these regulations to a permit granted under a provision of the Act includes a reference to such a permit whether granted before, on or after the commencement of these regulations.

#### 4—Period for provision of returns that were required under revoked regulations

- (1) A requirement under regulation 23 of the revoked regulations that the holder of a section 60J permit provide the Director with a return within a 14 day period, will, if—
  - (a) a permit holder to whom the requirement applied did not comply with the requirement before the commencement of these regulations; but
  - (b) the 14 day period for compliance by the permit holder had not elapsed at the time of that commencement,

be taken to be a requirement under regulation 27 of these regulations that the permit holder's return be provided to the Director (in the manner and form required by the revoked regulations) within the portion of that 14 day period that remains after the commencement of these regulations.

- (2) If the 14 day period referred to in subclause (1) extends beyond the expiry or revocation of the permit to which the return relates, subclause (1) applies despite that expiry or revocation.

#### 5—Applications, nominations, returns etc made or provided before the commencement of these regulations

An application or nomination, or the provision of a return or a notice or other information, made or undertaken by a person before the commencement of these regulations pursuant to and in accordance with a provision of the revoked regulations, will be taken to have been made or undertaken pursuant to and in accordance with the corresponding provision of these regulations.

## **6—Approvals, authorisations, requests etc granted or made before the commencement of these regulations**

- (1) Subject to these regulations, an approval, authorisation, request or notice by the Director or a warden given or made for the purposes of the revoked regulations that remains in effect immediately before the commencement of these regulations, will be taken to have been given or made by the Director or warden for the purposes of the corresponding provision of these regulations.
- (2) Despite subclause (1), a waiver granted pursuant to regulation 13(2) of the revoked regulations does not apply for the purposes of these regulations.

## **7—Carcasses and skins of kangaroos taken before the commencement of these regulations**

A person who complies with a provision of the revoked regulations in relation to the carcass or skin of a kangaroo taken before the commencement of these regulations will be taken to have complied with the corresponding provision of these regulations.

## **8—Sealed tags issued before the commencement of these regulations**

A sealed tag issued by the Director before the commencement of these regulations that is unused at the time of that commencement—

- (a) will be taken to continue as a sealed tag issued by the Director under these regulations if the tag was required to be used within an initial or extended period—
  - (i) that expires after the commencement of these regulations; or
  - (ii) that expired before the commencement of these regulations, but not more than 3 months before; and
- (b) will for the purposes of these regulations be taken to be out of date—
  - (i) in the case of a tag referred to in subparagraph (a)(i)—
    - (A) on the expiry of the initial or extended period referred to in paragraph (a); or
    - (B) 30 days after the commencement of these regulations, whichever occurs last; or
  - (ii) in the case of a tag referred to in subparagraph (a)(ii)—3 months after the expiry of the initial or extended period referred to in paragraph (a).



## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *National Parks and Wildlife (Kangaroo Harvesting) Regulations 2018* revoked the following:

*National Parks and Wildlife (Kangaroo Harvesting) Regulations 2003*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2018	201	<i>Gazette 16.8.2018 p3127</i>	1.9.2018: r 2
<b>2019</b>	<b>240</b>	<b><i>Gazette 7.11.2019 p3816</i></b>	<b>1.1.2020: r 2</b>

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Pt 1		
r 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.1.2020</i>
r 3		
r 3(1)		
commercial harvest management region	substituted by 240/2019 r 4(1)	1.1.2020
commercial harvest sub-region	inserted by 240/2019 r 4(1)	1.1.2020
common reserve	substituted by 240/2019 r 4(2) inserted by 240/2019 r 4(3)	1.1.2020 1.1.2020
r 4A	inserted by 240/2019 r 5	1.1.2020
Pt 2		
r 9		
r 9(1)	substituted by 240/2019 r 6	1.1.2020
Pt 3		
r 19	substituted by 240/2019 r 7	1.1.2020
Pt 4		

## National Parks and Wildlife (Kangaroo Harvesting) Regulations 2018—1.1.2020

### Legislative history

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r 37		
r 37(1)	varied by 240/2019 r 8	1.1.2020
Sch 3		
Pt 2	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>1.1.2020</i>