

South Australia

National Parks and Wildlife (Wildlife) Variation Regulations 2004

under the *National Parks and Wildlife Act 1972*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *National Parks and Wildlife (Wildlife) Regulations 2001*

- 4 Variation of regulation 9—Records and returns in relation to sections 58 and 60C permits
 - 5 Substitution of regulation 15
 - 15 Dealing in juvenile birds or mammals
 - 6 Variation of regulation 18—Standards for keeping protected animals
 - 7 Variation of Schedule 6—Prescribed species: section 58(1)(a) and definition of Class 1 permit
 - 8 Variation of Schedule 7—Species excluded by proclamation under section 58(4) of the Act
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *National Parks and Wildlife (Wildlife) Variation Regulations 2004*.

2—Commencement

These regulations will come into operation on 1 July 2004.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *National Parks and Wildlife (Wildlife) Regulations 2001*

4—Variation of regulation 9—Records and returns in relation to sections 58 and 60C permits

- (1) Regulation 9(8)—delete "as soon as reasonably practicable" and substitute:
within 48 hours
- (2) Regulation 9(10)—after "the record book or copies of returns" insert:
(including a person who has custody or control as agent or employee of the permit holder)

5—Substitution of regulation 15

Regulation 15—delete the regulation and substitute:

15—Dealing in juvenile birds or mammals

- (1) Subject to this regulation, a person must not sell a bird or mammal that is a protected animal or is of a species listed in Schedule 10 of the Act if—
 - (a) in the case of a bird—the bird is too young to fly or to feed itself; or
 - (b) in the case of a mammal—the mammal is unweaned.
- (2) Subregulation (1) does not apply—
 - (a) to the sale of an emu pursuant to a section 60C permit; or
 - (b) if the sale is made pursuant to a permit granted under the Act that expressly authorises the sale of such a young bird or unweaned mammal.

6—Variation of regulation 18—Standards for keeping protected animals

- (1) Regulation 18(1)(a) and (b)—delete paragraphs (a) and (b) and substitute:
 - (a) keep the animal in a cage or enclosure that is adequate in size and is constructed and maintained so as to—
 - (i) provide adequate shelter in all circumstances; and
 - (ii) prevent the animal from escaping; and
 - (iii) protect the animal against predators; and
 - (iv) enable the cage or enclosure to be locked or otherwise secured against intruders; and
 - (v) as far as is practicable, facilitate the inspection of the animal by a warden under the Act; and
 - (b) ensure that the cage or enclosure in which the animal is kept—
 - (i) is maintained in a clean and sanitary condition; and

- (ii) except when the person is present—is securely locked or otherwise secured against intruders; and
- (2) Regulation 18(1)—after paragraph (f) insert:
 - (fa) provide the animal with adequate heat or ultra-violet light from an artificial source if the animal is of a species that requires such heat or light for its well-being; and
- (3) Regulation 18(1)—after paragraph (g) insert:
 - (h) produce the animal for inspection at the request of a warden.

7—Variation of Schedule 6—Prescribed species: section 58(1)(a) and definition of Class 1 permit

- (1) Schedule 6, list of items headed "Birds", item relating to Gouldian Finch—delete the item and substitute:

A0300	Golden-shouldered Parrot	<i>Psephotus chrysopterygius</i>
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- (2) Schedule 6, list of items headed "Birds", items relating to Red-collared Lorikeet and Scaly-breasted Lorikeet—delete the items

8—Variation of Schedule 7—Species excluded by proclamation under section 58(4) of the Act

- (1) Schedule 7, list of items headed "Birds"—after item relating to Elegant Parrot insert:

E0670	Gouldian Finch	<i>Erythrura gouldiae</i>
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- (2) Schedule 7, list of items headed "Birds"—after item relating to Rainbow Lorikeet insert:

W0255	Red-collared Lorikeet	<i>Trichoglossus rubritorquis</i>
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- (3) Schedule 7, list of items headed "Birds"—after item relating to Red-rumped Parrot insert:

A0256	Scaly-breasted Lorikeet	<i>Trichoglossus chlorolepidotus</i>
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Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 17 June 2004

No 135 of 2004

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