



**invasive**  
species council

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Dear Manager

**Proposed Non-Indigenous Animals Regulation 2011**

As an organisation that campaigns for stronger laws, policies and programs to reduce the threat of invasive species to the environment, the Invasive Species Council is pleased to provide comment on the proposed Non Indigenous Animals Regulations 2011.

We commend the government's proposed approach to the threat from invasive species and recommend the Regulation should be strengthened by applying the classification scheme comprehensively and consistently.

In responding to the inevitable lobbying by those who want to keep or sell certain of the species proposed for reclassification, we urge the government to prioritise the long-term interests of the community and environment in preventing the establishment of yet more exotic species in NSW.

The Invasives Species Council strongly supports the proposed regulations.

Yours sincerely

John DeJose  
CEO  
Invasive Species Council

The Invasive Species Council campaigns for better laws and policies to protect the Australian environment from weeds, feral animals and exotic pathogens.

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# Proposed Non-Indigenous Animals Regulation 2011

## Submission, June 2011

The Invasive Species Council is an environmental NGO that campaigns for stronger laws, policies and programs to protect the environment from invasive species. We strongly support the proposed Non-Indigenous Animals Regulation 2011, and urge the NSW Government to pass it as is or strengthened.

### Introduction

The benefits to a few individuals who desire to keep exotic animals are far outweighed by the potential costs to the community and environment should these animals escape and establish in the wild. Even if risks of escape are low, the potential consequences are severe enough to justify strong measures to limit risks.

As the Regulatory Impact Statement argues, it is unrealistic to rely on self-regulation. Where substantial risk derives from the actions of a few people, education is not effective. Some who keep exotic animals may relish the prospect of them becoming established in the wild and any regulations must account for the inevitable management lapses of even well-intentioned people.

The Regulatory Impact Statement notes the potential for some of the animals subject to regulation to become the basis of new livestock industries, in which case the regulation could prevent realisation of future economic benefits. It is likely that some will oppose the classification of certain species or the entire Regulation on this basis. We strongly caution against allowing the potential agricultural or other use value to undermine this Regulation. Even if one or more of the species subject to the proposed regulation could become the basis of successful agricultural enterprises (this is unlikely), the potential value of such enterprise would undoubtedly be outweighed by the costs to the community and environment should the species become established in the wild, the risk of which would be exacerbated if they were used for agriculture (due to greater numbers). As the Regulatory Impact Statement points out, many speculative ventures with new livestock have not lived up to expectations. The virtual collapse in deer farming and its contribution to the burgeoning deer problem in NSW due to releases and escapes from farms and deliberate translocations by hunters should serve to caution against allowing this to happen with any other exotic species. Note also the risk associated with species that may be regarded as game – blackbuck and bison, for example – and the potential for their deliberate release for hunting.

We are aware of political lobbying to prevent the proposed reclassification of some species. We urge the NSW Government to base its decision on science-based risk assessment, not politics, and to consider the potential costs to future generations should these species become established in the wild.

### Proposal 1: Requiring exhibitors to be licenced under the Act

Support but recommend no exemption for existing exhibitors if they represent a risk. It is important that exhibitors be subject to licence conditions that limit the risks of escape, release or theft, and for the DPI to be able to recover the costs of processing applications and monitoring compliance. However, we question whether exhibitors with existing animals should be exempt if this means they represent a risk due to less rigorous licence conditions. We recommend that licences under the NIA Act be required for at least higher risk species.

## **Proposal 2: Reclassifying species based on VPC risk assessments**

Strong support – very high priority reform.

While we strongly support this proposed reform – to reclassify animals based on risk as assessed by the Vertebrates Pest Committee – we urge that it be applied consistently. We question whether the proposed reclassifications are rigorous or comprehensive enough.

**Scientific not political decisions:** There are undoubtedly some who will oppose the reclassification of particular species (eg. American bison, northern palm squirrels, blackbuck) because they wish to sell or keep these animals. Decisions about species classifications should be based on science not lobbying pressure. We urge the NSW Government to base its decision on the risk assessments by the Vertebrates Pest Committee rather than requests by affected individuals and organisations. The potential costs to the community and the environment of the establishment of yet more exotic species in the wild far outweigh the slight benefits likely to accrue to a few individuals from being permitted to keep such animals.

The risk applies beyond NSW as animals originating in NSW may be deliberately or accidentally taken to other states. It is appropriate to apply the precautionary principle given the long-term high cost potential of invasive species. This should include taking into account the propensity for human error, irrationality or selfishness; history conclusively demonstrates that it is reasonable to assume worst case scenarios for exotic, invasive animals.

We note there has been some opposition aired to the proposed reclassification of American bison from category 3b to 3a and opinions expressed that it is not really an invasion risk. Hunters are likely to oppose a similar reclassification of black buck. Every ungulate established in Australia (more than a dozen species) causes damage to the environment and agricultural enterprises. This is to be expected of medium to large hard-hoofed animals that eat a variety of plants. There is no basis for claiming that these other ungulates are different and do not pose a risk. Blackbuck have a long history as a feral animal in Western Australia.

Likewise, as a rodent with a broad diet (including probably eggs and chicks), the northern palm squirrel is likely to cause problems should it escape into the NSW environment. Eradication would be very difficult. Although pet sellers have been required to sterilise all squirrels they sell it is inevitable that fertile animals will eventually escape. This risk was highlighted in a prosecution of a man in 2007 for keeping 8 unlicensed (including unsterilised) northern palm squirrels. The Queensland Government considers that the sale of northern palm squirrels in NSW means a very high risk for introduction into Queensland, where they are banned.

**Existing licences:** We recommend that the department should consider revoking existing licences for reclassified species if there is a risk of theft, release or escape.

**Applying the classification approach consistently:** There are some proposed reclassifications that are not consistent with the risk level assigned by the Vertebrates Pest Committee and some animals assessed as a serious or extreme risk by the VPC that are not proposed for classification. We urge that the criteria for the NIA categories be applied consistently and comprehensively, and that it be a policy requirement to justify any inconsistencies – ie the default approach is classification consistent with the VPC risk assessment, and exceptions are made on the basis of explicated criteria. This will help limit exceptions based on political considerations. (It is possible that some of the classifications are inconsistent with the VPC risk assessment because of risk factors specific to NSW – eg. climatic suitability – but this has not been made explicit.)

Examples of proposed inconsistent classifications include:

- American bison, camel and banteng assessed as extreme risk by VPC (but category 3a is for moderate to serious risk)

There are some animals not included in the classification for which there are concerns that they will be released into the environment. This is particularly the case with game birds favoured by NSW hunters. We recommend that these be assessed for categorisation consistent with their risk assessments and their current status in NSW (we acknowledge it is not practical to restrict some that are in widespread use). Examples of animals that should be assessed include:

- California quail, assessed by VPC in the 2007 List of Exotic Vertebrate Animals in Australia as an extreme risk
- Chukar partridge, assessed by VPC 2007 as a serious risk.

### **Proposal 3: Requiring movement permits**

Strong support. The rationale for this in the RIS is sound.

### **Proposal 4: Taking welfare into account**

Strong support. All animals warrant this consideration.

### **Proposal 5: Increasing licence fees to reflect costs and applying them to universities**

Support but suggest higher fees than proposed. As there is little to no community benefit in allowing people to keep exotic species and substantial costs incurred by the government to regulate it, we recommend closer to full cost recovery, including the costs for compliance monitoring. We question whether the proposed fees are sufficiently high to cover both licence processing and compliance monitoring. We recommend they should cover, for example, the cost of at least one inspection per licence period.

### **Proposal 6: Increasing security requirements**

Strong support.

### **Proposal 7: Requiring adequate returns**

Support.

### **Proposal 8: Higher penalty notices**

Strong support for higher penalties but we question whether \$1100 is sufficiently high given the potential consequences of breaches.

### **List of stakeholders**

Please add ISC to your list of stakeholder organisations to be consulted on this legislation and similar issues.

### **Conclusion**

ISC hopes to see this Regulation passed in full but with the classification scheme applied comprehensively.