

Overview of licences to kill in Western Australia



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Licensing Framework

In Western Australia (**WA**), the killing of native wildlife is primarily regulated by the *Biodiversity Conservation Act 2016 (WA)* (**BC Act**) and the *Biodiversity Conservation Regulations 2018 (WA)* (**BC Regulations**).

Under the BC Act, it is an offence to 'take' (i.e., kill, injure, harvest or capture)¹ or disturb² 'fauna', unless the taking or disturbing is authorised by the BC Act or the BC Regulations.³ Most native animals are 'fauna' for the purposes of the BC Act.⁴ However, the Minister for Environment (**Minister**) may declare fauna not to be fauna for the purposes of the BC Act.⁵ The BC Regulations may also provide that prescribed fauna is 'managed fauna' for the purposes of the BC Act.⁶ In these circumstances, it is generally not an offence to take or disturb that fauna without authorisation.⁷

One way the BC Act authorises the killing or harming of native wildlife is via 'Fauna Licences'.⁸

Fauna Licences are used to regulate certain interactions between humans and native wildlife. Most relevantly, where certain fauna is seen to be 'dangerous' and/or is causing economic damage,⁹ biodiversity damage¹⁰ and/or an impact on public health, safety or biosecurity, a 'Fauna taking (dangerous fauna) licence' (**Dangerous Fauna Licence**)¹¹ or a 'Fauna causing damage licence' (**Damage Licence**)¹² may be granted to authorise the licence holder to take or disturb that fauna.

A person may take or disturb threatened fauna¹³ if they are authorised to do so under the BC Act.¹⁴ Authorisations to harm or kill threatened fauna are dealt with under a different part of the BC Act to those sections which allow a person to obtain a Dangerous Fauna Licence or a Damage Licence.

The Minister is the decision-maker on applications to take or disturb threatened fauna, whereas the CEO of the Department of Biodiversity, Conservation and Attractions (**DBCA**) is the decision-maker on applications for Dangerous Fauna Licences and Damage Licences. The BC Act does not specify for what purposes a person may obtain a Ministerial Authorisation to harm or kill threatened fauna. However, the DBCA's website indicates that such authorisations are not ordinarily granted for danger or damage related purposes (although the BC Act/BC Regulations do not appear to preclude this).¹⁵

The balance of this section will focus on Dangerous Fauna Licences and Damage Licences.

Exceptions to the requirement to hold a licence

In WA, a person does not require a licence to kill:

- 'managed fauna' (in certain local government areas);
- dingoes; or
- 'dangerous snakes'.

Managed fauna

Under the BC Regulations, the following species are currently 'managed fauna':¹⁶

- Australian raven;
- Australian ringneck;
- butler's corella;
- eastern longbilled corella;
- galah;
- little corella;
- rainbow lorikeet;
- sulphur-crested cockatoo;
- western silvereye;
- euro;
- red kangaroo;
- western grey kangaroo.

However, there are certain conditions that must be met for a person to take or disturb some of the above species without a licence.¹⁷ For example, in order that a person may kill ravens, ringnecks, corellas, galahs, little corellas, and silvereyes without a licence, those birds must be causing (or be reasonably expected to cause) 'economic damage' and they must be killed by way of a firearm.¹⁸

Although wildlife officers have specific enforcement powers in respect of managed fauna (e.g., to inspect a premises to confirm whether the relevant animal is causing the alleged damage),¹⁹ it is inappropriate that these animals may be killed without specific authorisation and with limited oversight.

It is understood that if red kangaroo and western grey kangaroos are intended to be killed for commercial purposes, a specific licence is required for that purpose.²⁰

Dingoes

While dingoes are recognised as a native species in WA, a person does not require a licence to take or disturb them because of a ministerial order made under the BC Act.²¹ The order exempts people from the requirement to hold a licence for several activities involving dingoes and allows the use of certain devices and methods to take dingoes that would otherwise be prohibited under the BC Act.²²

Dingoes are also declared pests under the *Biosecurity and Agriculture Management Act 2007 (BAM Act)*.²³ As a result, landholders are required to control them²⁴ by using the methods that are prescribed by the *Biosecurity and Agriculture Management Regulations 2013 (BAM Regulations)*. As a licence is not required to kill dingoes, it is not known how many are killed in WA every year.

Dangerous snakes

A person does not need a licence to kill a venomous land or sea snake if the snake poses, or is reasonably perceived to pose, an immediate threat to:

- public health or safety; or
- stock or domesticated animals; or
- animals on display or held in captivity or confinement.

It is not clear how such an exemption is enforced in practice.



Lethal methods used to take native wildlife

The BC Act and BC Regulations do not specifically address which lethal methods a person may use to kill native wildlife and the DBCA's website does not indicate which methods are most commonly permitted under a Dangerous Fauna Licence or Damage Licence. However, the DBCA advised that methods authorised are, almost without exception, by way of an appropriate firearm. While there are some methods and devices that are generally prohibited,²⁵ a licence may authorise a person to use them.²⁶ There is no requirement under the BC Act or BC Regulations for a person to pass a shooter proficiency or species identification test if they are shooting wildlife under a licence.²⁷

Under the BAM Act, dingoes may be trapped, shot, or poisoned.²⁸ If a dingo is caught in a trap,²⁹ a person is required to 'dispose of' them in a 'humane manner'.³⁰ Additionally, under the *Animal Welfare Act 2002* (**AW Act**) certain people may use metal-jawed traps (bound with cloth soaked with the poison strychnine) to kill dingoes.³¹ While the AW Act generally applies to pest animals,³² there is a defence to cruelty for killing pest animals (which includes dingoes).³³ The Department of Primary Industries and Regional Development advised that the use and management of 1080 poison and strychnine in Western Australia is administered through the *Code of Practice for the Safe Use of 1080/PAPP and Strychnine* (which users must comply with) and that the Department conducts community engagement to ensure 'wild dog' control measures are conducted with 'best practice'. This code of practice is primarily focused on ensuring poisons are administered by authorised people and are used in a safe manner, rather than animal welfare (although it does note that poisoned animal carcasses must be disposed of properly to prevent secondary poisoning of non-target animals).³⁴

Although a person acting under a Dangerous Fauna Licence or a Damage Licence must comply with the AW Act,³⁵ under the AW Act, it is a defence to cruelty if the person was authorised by law to do the act and they acted in a 'humane manner'.³⁶ The AW Act does not define 'humane', and it is unclear how this kind of obligation is enforced. Despite this, it is noted that the DBCA advised that the BC Act does not create defences to cruelty offences under the AW Act and licences issued by DBCA must be utilised in a manner that complies with the AW Act.

Numbers of native animals licensed to be killed in WA

The WA Government does not maintain a public register of licences issued under the BC Act or otherwise publish information on the number of licences issued and for what species, or the numbers of animals killed under licences. In response to a request for licence information, the WA Government was only able to provide the number of Damage Licences and Dangerous Fauna Licences that were issued in 2021 and the species for which they were issued. While the relevant department was responsive, they advised that it was not possible to collate and release any further information (e.g. for the years 2022 and 2023, the number of animals authorised to be killed) because of the way the information is stored, as well as capacity and resourcing constraints.

In 2021, 87 Damage Licences were issued to manage the following species:

- **Australian wood duck;**
- **emu;**
- **galahs;**
- **little and long billed corellas; and**
- **western grey kangaroos.**

In 2021, 49 Dangerous Fauna Licences were issued to manage the following species:

- **freshwater crocodiles;**
- **saltwater crocodiles;**
- **magpies; and**
- **red wattlebirds.**

It is not known how many native animals are killed in WA every year.

Aside from kangaroos killed for commercial purposes, there do not appear to be any population management plans (**PMPs**) or quotas in place for animals commonly killed under Dangerous Fauna Licences and Damage Licences. Without such measures, and robust monitoring and reporting requirements, it is unclear how the WA Government ensures that the 'take' of animals is 'sustainable' and that populations are not declining, or at risk of becoming more vulnerable or susceptible to extinction.

Application, assessment & enforcement

Applications

A person may apply to the CEO of DBCA for a licence (or renewal of a licence).³⁷

An application for a licence, including a Dangerous Fauna Licence and a Damage Licence, must:³⁸

- be made in the manner and form approved by the CEO; and
- include all information required by the approved form; and
- be accompanied by any other information that the CEO requires.

A person must pay the relevant fee at the time they make the application.³⁹ The current fees for a Dangerous Fauna Licence and a Damage Licence is \$65.⁴⁰

The BC Act/BC Regulations does not specify any other information that must be included with an application for a licence.

The application form for a Dangerous Fauna Licence and a Damage Licence are not available on the DBCA's website. According to the DBCA's website, a person may apply for Dangerous Fauna Licences and Damage Licences via the Wildlife Licensing and Compliance online system. The DBCA's website does not provide any other information about applying for a Dangerous Fauna Licence or Damage Licence. However, the DBCA provided some guidance on the application process. Amongst other things, the DBCA advised that an applicant for a licence is required to provide information about prior offence convictions, the name of species causing damage and whether the applicant has definitely identified the species as causing the damage, the number of animals causing damage, whether mitigation measures have been attempted and who will be authorised to kill the animals (i.e. whether it is the applicant or other persons). Based on the information provided by the DBCA, it is unclear whether an applicant is required to provide detailed information on whether mitigation measures have been attempted, as it appeared only a 'yes' or 'no' response is required.

However, the DBCA's 'living with native wildlife' factsheets⁴¹ indicates that an applicant may be required to provide information on what non-lethal methods they have tried before applying for a licence, at least in some circumstances. For example, the factsheet on ibis, swallows, magpies, corellas and silver gulls states that 'to obtain a licence, the applicant needs to demonstrate that all reasonable non-lethal methods have been attempted and environmental impacts have been assessed'. It is not known whether this kind of information is required in respect of other species.

Notably, the factsheets on bats and flying foxes, black cockatoos (which is houses within the 'birds in orchids' factsheet) and possums states that shooting of those species is not permitted. This prohibition is not provided for in the BC Act or BC Regulations.

Neither the BC Act nor the BC Regulations require a person to demonstrate, with evidence, that they have exhausted non-lethal methods of managing the relevant wildlife before applying for a Dangerous Fauna Licence or a Damage Licence (although the DBCA advised that this is required as part of the application process).

The DBCA advised that the application form asks the applicant to advise on who will be acting under the permit, which suggests that all people carrying out the killing under the licence will be listed on the licence (although it is not a requirement under the BC Act/BC Regulations).

Assessment

In considering an application for a licence, the CEO of DBCA may (but is not required to) take into account the following:⁴²

- any matter the CEO considers relevant to the application.
- whether the applicant has been involved in a 'disqualifying event'⁴³ and is or is not, in the opinion of the CEO, a fit and proper person or otherwise suitable to hold a licence'.
- the proper conservation, protection and management of fauna and flora.
- the public interest (and especially the extent to which the operation of the licence would not be in the public interest).

In addition, if the applicant is applying for a licence to kill fauna, the CEO may (but is not required to) take into account:⁴⁴

- whether the applicant has the experience, skills or qualifications required to appropriately perform any activities to be carried out under the licence.
- whether the applicant has the equipment and facilities to appropriately manage the fauna.
- whether the applicant holds any licence or other authority that may be required under another law in connection with any activity to be carried out under the licence.
- the impact that the granting of the licence would have on the conservation of that species, or any other species.

The CEO may delay making a decision on an application until a person authorised by the CEO has conducted an inspection of any place and provided a report to the CEO for the purposes of assessing the application. The CEO may refuse an application if the applicant fails to allow such an inspection.⁴⁵

While there are a number of important factors that the CEO may consider when assessing an application, it is not mandatory for the CEO to consider them, meaning the CEO has very broad discretion to give someone permission to kill native animals. Notably, there is no express requirement for the CEO to consider whether an applicant has trialled/exhausted non-lethal methods to manage the issue/animal for which they are applying for a licence.

Despite this, the DBCA advised that the assessment process often requires an applicant to provide further or supporting information and where an application is received for a new location or new applicant, it is common for the assessment process to require a Wildlife Officer (from the DBCA) to interview the applicant and at times visit the proposed location.

The CEO does not appear to be required to make their decision within any prescribed timeframe.

If the CEO refuses an application for a licence, the CEO must, as soon as practicable after making the decision, give the applicant written notice of the decision.⁴⁶

Post-Approval

A licence must be in a form approved by the CEO.⁴⁷

A licence may be granted for a maximum of three years (although a shorter time may be specified in the licence).⁴⁸

When granting a licence, the CEO may impose:

- any condition contemplated by the BC Regulations; and
- any other condition the CEO thinks fit.

The BC Regulations provide that a licence *may* include a condition that:

- specifies how the animal the subject of the licence is to be killed.⁴⁹
- requires the holder of the licence to keep records relating to the licence (including activities conducted under the licence) and to keep those records in a certain way.⁵⁰
- requires the holder of the licence to give the CEO of DBCA returns relating to the operation of the licence.⁵¹
- requires a specified identifier to be fixed, at a specified time, to fauna taken under the licence.⁵²

The WA Government does not have a publicly available set of “standard” conditions that are ordinarily imposed on a Dangerous Fauna Licence or a Damage Licence (like in NSW for example). The DBCA advised that the standard conditions that are applied to these kinds of licences are dependent upon the species that have been authorised to be harmed or killed under the licence. The DBCA also advised that a licence always contains a section entitled ‘additional information’, which, amongst other things, states that any target fauna that is not killed instantly must be immediately humanely destroyed, and that the licence holder must not take fauna listed on the licence unless it has been positively identified as the fauna causing danger/damage. The licences also state that it is the licence holder’s responsibility to be aware of animal welfare issues and comply with the provisions of the AW Act.

The DBCA also advised that where a species is captured by a national code of practice (e.g., kangaroos), compliance with the code is applied as a condition of a licence. Indeed, the BC Regulations provide that if a person is killing kangaroos under the ‘managed fauna’ provisions, they are required to comply with the *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-Commercial Purposes*.⁵³

It is an offence to contravene a condition of a licence.⁵⁴

There is no public register of licences, or any publicly available information which records the number of licences that have been granted in any given year and for what species, or how many animals are killed and by what methods. The WA Government was only able to provide very limited information in response to a request for licence data. It is therefore not known how many native animals are actually killed in total in WA every year.

Enforcement

The CEO of DBCA may cancel or suspend a licence for any period the CEO thinks fit if the holder of the licence:⁵⁵

- has contravened a provision of a ‘designated Act’ (or regulations under the Act); or
- has contravened a condition of the licence; or
- is otherwise in the opinion of the CEO no longer a fit and proper person or otherwise suitable to hold the licence; or
- the CEO considers that in the interests of the proper conservation, protection or management of fauna or flora, the licence should be cancelled or suspended.

If the CEO is proposing to cancel or suspend a licence, there are certain steps they must take.⁵⁶

The applicant for, or the holder of, a licence may apply to the State Administrative Tribunal for review of certain decisions of the CEO (e.g., to refuse to grant a licence, to cancel or suspend a licence).⁵⁷

It is not known whether, in practice, the DBCA ensures that licence holders are complying with the conditions of their licences (or that people are complying with the BC Act/BC Regulations and are not killing native wildlife unlawfully). However, there are powers in the BC Act/BC Regulations that may be used for these purposes.⁵⁸ Wildlife Officers also have specific powers in relation to ‘managed fauna’ (e.g., to inspect land where the officer believes that the control of managed fauna is taking or has taken place, or to prohibit a person from killing fauna if they have reasonable grounds to believe the fauna is not causing economic damage or damage to agricultural activity).⁵⁹

The DBCA publishes some enforcement information in its annual reports, but these reports do not appear to include any information on specific compliance and enforcement activities carried out in respect of Dangerous Fauna Licences and Damage Licences.

There are no third-party civil enforcement provisions specifically provided for in the BC Act or the BC Regulations.

► See page 11 for Western Australia’s performance against the governance criteria.⁶⁰



Recommendations for reform in Western Australia

HSI Australia supports wildlife coexistence and urges the WA Government to reconsider its approach to managing perceived conflicts between private landholders and native animals.

To this end, our overarching recommendation is that the Western Australian Government provides increased resourcing to the DBCA to fund trials of non-lethal methods for managing wildlife, and provide training, capacity building, and workshops for DBCA employees and landholders on coexisting with wildlife.

However, while we oppose licences, we make the following recommendations to ensure a more robust, transparent, and accountable system that prioritises non-lethal strategies, tolerance, and human-wildlife co-existence.

► Amend the BC Act to:

- recognise animal sentience.⁶¹
- repeal the powers to prescribe fauna to be 'managed fauna'.
- expressly prohibit the grant of a Dangerous Fauna Licence and a Damage Licence to kill threatened species.
- prohibit the use of poison like 1080 and strychnine (and the CEO authorising the use of poison under a licence) to kill any wildlife, including dingoes.
- introduce third party appeal and civil enforcement rights so that any person may challenge the grant of a Dangerous Fauna Licence or Damage Licence and/or remedy or restrain a breach of the BC Act/BC Regulations/licence.

► Amend the BC Regulations to:

- tailor the requirements for applications for licences to the specific type of licence. For example, for a Damage Licence, a person should be required by the BC Regulations to provide comprehensive evidence of damage and comprehensive evidence that non-lethal methods have been exhausted before the application for a licence has been made.
- require the CEO to take into account mandatory, rather than discretionary, criteria when considering whether to grant a Dangerous Fauna Licence and a Damage Licence and prescribe additional criteria which is tailored to these specific licences. For example, for a Damage Licence, the CEO should be required by the BC Regulations to consider the extent of damage being said to be caused by the animal and whether the applicant has trialled non-lethal methods. The CEO should also be precluded from granting a licence if the applicant has not demonstrated same.
- mandate the use of professional shooters and/or require a person to pass a wildlife specific shooter proficiency test if they are intending to take native animals by using a firearm. Also require a person to pass species identification testing.
- require licence holders to submit, within 1-2 weeks of the maximum kill limit being reached or every 6 months (whichever is sooner), returns which include information on how many animals have been harmed or killed under the licence (including if any non-target animals have been harmed or killed – if non-target animals are harmed/killed, the licence holder should be required to report this within 24 hours) and the method by which the animals were harmed/killed.

Recommendations

- repeal the 'managed fauna' provisions. There should be no exemptions and all native animals (including dingoes) should be captured by the licensing regime, if the killing of native wildlife is to continue. If the managed fauna provisions are to stay in force, a person killing 'managed fauna' should be required to notify the DBCA that they are intending to kill managed fauna, provide reasons and proof as to why it is necessary to kill the fauna, and report on how many animals have been killed (including if any non-target animals are harmed/killed).
 - limit the grant of a licence to a maximum of 1 year.
 - increase the prescribed licence fee.
 - require the DBCA or a licence holder to notify neighbouring properties of the grant of a licence and if/when the killing of native animals will be carried out under the licence.
- **Increase resourcing for DBCA to:**
- fund trials of non-lethal methods for managing wildlife.
 - provide training, capacity building and workshops for DBCA employees and landholders to promote and foster wildlife coexistence (as well as subsidies for landholders to trial non-lethal management methods).
 - conduct site inspections during the licence application process to verify the need for a licence, and after licences have been granted.
 - carry out compliance and enforcement activities.
 - carry out robust monitoring and reporting of animal populations (and to make population management plans that are publicly available).
 - ensure all information on the DBCA's website is regularly reviewed, up to date, and easily accessible (and is accessible before a person can apply for a licence) and coexistence information is prominent.
- Develop codes of practice for all species that are routinely killed under licences, which are developed with input from animal welfare specialists and underpinned by the most contemporary science on animal welfare. Ensure these codes of practices are regularly reviewed and updated.
- Maintain a public register of licences and publish information on which and how many native animals are killed under licences and by what methods they have been killed.
- Publicly report on monitoring of compliance and enforcement activities, including any investigations into illegal killing and the outcome of any such investigations. Reporting should also include information on if/when licence conditions have been breached, or licences suspended or revoked.
- Repeal the exemption order and pest declaration for dingoes. Dingoes should be recognised as distinct from wild dogs and should be captured by the BC Act and not managed under the BAM Act.
- The Animal Welfare Act should apply to pest animals, and it should be made explicitly clear that the defences to offences of cruelty do not apply to persons acting under licences issued pursuant to the BC Act/BC Regulations. The use of leg hold traps should be prohibited.
- The BAM Act should also be amended to prohibit the use of inhumane traps and poison.

Performance of Western Australia against governance criteria

Category	Criteria	Status under current law/policy	Result
Animal welfare	Use of professional shooters	Not required or mentioned	✗
	Shooter competency testing	Not required under the BC Act/BC Regulation⁶²	✗
	Animal welfare laws apply	Yes, although in the AW Act, there are defences to offences of cruelty for both acts 'authorised by law' and killing of pest animals (although it is noted that the DBCA advised that the defences in the AW Act do not apply to persons acting under Dangerous Fauna Licences or Damage Licences. Nevertheless, the provision still creates ambiguity).	!
	Licence holder to be fit and proper person	The CEO of DBCA may consider whether someone is a fit and proper person when assessing an application for a licence	!
Prioritise human/wildlife coexistence	Law requires applicants to demonstrate, and decision-maker to consider, wildlife coexistence efforts	There is no explicit requirement under the BC Act/BC Regulations for a person to demonstrate that non-lethal methods have been tried/exhausted before applying for a licence and the CEO of DBCA is not required by the BC Act/BC Regulations to consider whether the applicant has trialled/exhausted non-lethal methods. However, the DBCA advised that demonstration that mitigation measures have been attempted and detail of the damage being experienced is a compulsory part of the application and assessment process.	!
	'Living with wildlife'/ non-lethal control policy and guidance	There is no formal 'living with wildlife' policy, however, the DBCA has a living with wildlife website which houses factsheets containing guidance on how to coexist with some animals.	!
	Landholder capacity building/training on non-lethal methods	Does not appear to be available	✗
Landholder justification for the use of lethal control	Proof of damage/ issues caused by wildlife	This information is not required by the BC Act/BC Regulations. However, the DBCA advised that applicants are required to provide information on the damage being experienced.	!
Licences	Identification of all persons acting under the licence	The DBCA advised that licences stipulate the names of people authorised under the licence and proof of identification is a requirement of an applicant	⊙
	Reporting requirements	The BC Act/BC Regulations do not require a licence holder to report on licence activities. However, a condition of a licence likely requires a person to report on activities undertaken under the licence.	!
	Report non-target animals harmed/ killed	Not required by the BC Act/BC Regulations (although it is noted that the DBCA advised that a licence holder must not take fauna listed on this licence unless it has been positively identified as the fauna causing danger/damage).	✗
	Licence lengths	A licence may granted for a maximum of three years	!

Transparency	Government maintains public register/publishes licence data, including number of animals permitted to be killed and reported as killed	The WA Government does not maintain a public register or publish information about licences granted under the BC Act. A FOI application was required to access the data (however not all information was able to be provided in response to the application).	✗
	Public reporting of compliance and enforcement activity	Only general reporting of enforcement action appears to be published in the DBCA's annual reports.	✗
Responsibility for conservation	Obtain licence to kill threatened species	Yes, but unlikely that a Dangerous Fauna Licence or Damage Licence may be obtained to kill a threatened species	✗
	Population Management Plans (PMPs) and quotas	No PMPs/quotas/maximum cull limits for species (other than kangaroos harvested for commercial purposes)	✗
	Unprotected native species	- In certain local government areas – Australian raven, Australian ringneck, butler's corella, eastern longbilled corella, galah, little corella, rainbow lorikeet, sulphur-crested cockatoo, western silvereye, euro - red kangaroo and western grey kangaroo - dingoes	✗
	Decision-maker considers likely environmental impacts	The CEO of DBCA may consider environmental impacts when considering a licence application	!
Enforcement	Community empowered to enforce breaches of a licence or legislation	No, there are no third-party civil enforcement provisions in the BC Act	✗

Key



Controls that should be in place if killing of wildlife by private landholders is allowed.



Some controls in place but improvement required.



Controls not in place and significant improvement required.

Disclaimer

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This document was finalised in October 2024

Endnotes

- ¹ BC Act, section 5.
- ² See section 153 of the BC Act. There are some exceptions.
- ³ BC Act, section 149. There are some exceptions – see section 149(3). See also sections 150 and 40 which set out the offence provisions for taking threatened fauna, and the specific requirements in relation to the taking of threatened fauna, respectively.
- ⁴ As per section 145 of the BC Act, fauna does not include fish or pearl oyster.
- ⁵ See section 9.
- ⁶ See section 163 of the BC Act and also clause 102 and Schedule 4 of the BC Regulations.
- ⁷ See section 149(2)(b) and section 153(2).
- ⁸ See Division 2 of Part 4 of the BC Regulations and the definition of ‘lawful authority’ in section 7 of the BC Act.
- ⁹ As per clause 3 of the BC Regulations, ‘economic damage’ is defined to mean ‘damage to property, agricultural activity or infrastructure resulting in financial loss’.
- ¹⁰ As per clause 29 of the BC Regulations, biodiversity damage is defined to mean ‘a detrimental impact or potential impact on biodiversity or biodiversity components’.
- ¹¹ See clause 26 of the BC Regulations.
- ¹² See clause 29 of the BC Regulations.
- ¹³ As per section 5 of the BC Act, ‘threatened fauna’ means fauna that belongs to a threatened species, and ‘threatened species’ means a native species that is listed as a threatened species under the BC Act.
- ¹⁴ BC Act, section 150.
- ¹⁵ See <https://www.dbca.wa.gov.au/management/threatened-species-and-communities/protections-and-approvals/authorisation-take-and-disturb-threatened-fauna>.
- ¹⁶ See Schedule 4 of the BC Regulations. It is noted that some species are only managed fauna in certain local government areas. Outside of these areas, a person will require authorisation to take or disturb them.
- ¹⁷ See clause 103 of the BC Regulations for the conditions relating to birds and clause 104 for the conditions relating to kangaroos.
- ¹⁸ BC Regulations, clause 103(a)-(b).
- ¹⁹ See more information on this below under the sub-heading ‘enforcement’.
- ²⁰ See, for example, clauses 23, 37, 38, 40, 41 of the BC Regulations. There is a commercial harvesting program in WA – see the management plan for 2024-2028 available here: <https://www.dcceew.gov.au/sites/default/files/documents/mgt-plan-kangaroo-wa-2024-2028.pdf>.
- ²¹ See section 271 of the BC Act which empowers the Minister to make exemption orders and also the *Biodiversity Conservation (Exemptions) Order 2018* available at: [https://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/4012356c649b4ed96816cc19482583a0000b5050/\\$file/tp-2356.pdf](https://www.parliament.wa.gov.au/publications/tailedpapers.nsf/displaypaper/4012356c649b4ed96816cc19482583a0000b5050/$file/tp-2356.pdf).
- ²² See part 4(5) of the *Biodiversity Conservation (Exemptions) Order 2018*. See also section 156 of the BC Act for the prohibition against using a prohibited device or method and Schedules 1 and 2 of the BC Regulations for the list of prohibited devices and methods.
- ²³ See section 22(2) of the BAM Act and the *Biosecurity and Agriculture Management (Declared Pests) Declaration 2013*.
- ²⁴ BAM Act, section 30. See also clause 53 of the BAM Regulations which allows a person to be paid for the destruction of a declared pest.
- ²⁵ See definition of prohibited device and prohibited method in section 5 of the BC Act and clauses 6 and 7 of the BC Regulations.
- ²⁶ See clause 2(2)(a) of Schedule 1 of the BC Regulations and clause 2(2)(b).
- ²⁷ It is noted, however, that the BC Act provides that the BC Regulations may provide for requirements to be met by a person who makes an application for a licence, including a requirement to undergo assessment or testing – see section 256(2)(c)(ii). However, the BC Regulations do not currently provide any such requirements. A person may be required to undergo certain training and testing under WA’s firearm legislation.
- ²⁸ BAM Regulations, clauses 27 and 42.
- ²⁹ It is noted that the BAM Regulations imposes some restrictions on the use of traps on declared vertebrate pest animals (e.g., dingoes) and a permit is required in certain circumstances – see, for e.g., clause 45.

³⁰ BAM Regulations, clause 45(3). The person must also exercise 'reasonable care' to ensure that animals that are not declared animals are not caught in the trap.

³¹ *Animal Welfare (General) Regulations 2003 (AW Regulations)*, clause 8(1)-(2).

³² See section 4(2)(b) of the BAM Act.

³³ See section 24 of the AW Act and clause 5 of the AW Regulations.

³⁴ See page 29 of the Code of Practice, available at: https://www.health.wa.gov.au/Articles/S_T/Safe-use-and-management-of-pesticides-containing-1080-strychnine-and-PAPP.

³⁵ The BC Act, BC Regulations nor the AW Act expressly require a licence holder to comply with the AW Act, however, there is nothing in any of those acts which excludes the operation of the AW Act to any act carried out, or not carried out, under a Dangerous Fauna Licence or Damage Licence.

³⁶ AW Act, section 22.

³⁷ BC Regulations, clause 73(1).

³⁸ BC Regulations, clause 73(2).

³⁹ BC Regulations, clause 77.

⁴⁰ See Schedule 7 of the BC Regulations. It is noted that the renewal fee for both kinds of licence is currently \$30.

⁴¹ Available here: <https://www.dbca.wa.gov.au/wildlife-and-ecosystems/living-with-native-wildlife>. It is noted that the WA Government does not appear to have a formal 'living with wildlife' policy, but information is provided on how to coexist with common wildlife.

⁴² See clause 76(2)-(3) of the BC Regulations.

⁴³ The definition of 'disqualifying event' is provided in clause 76(1) of the BC Regulations. It includes (but is not limited to) failing to provide adequate or sufficient information in connection with the making of the application, or making a false or misleading statement in relation to an application, or contravening or failing to comply with a condition of a licence.

⁴⁴ BC Regulations, clause 4(a), (e) and (f).

⁴⁵ BC Regulations, clause 76(5).

⁴⁶ BC Regulations, clause 78.

⁴⁷ BC Regulations, clause 79.

⁴⁸ BC Regulations, clause 80.

⁴⁹ See clause 14(e) of the BC Regulations.

⁵⁰ BC Regulations, clause 85.

⁵¹ BC Regulations, clause 86.

⁵² BC Regulations, clause 1(b) and (2). It is noted that there are also requirements to fix identifiers to kangaroos killed under the 'managed fauna' provisions of the BC Regulations.

⁵³ BC Regulations, clause 104. It is noted that serious concerns have been repeatedly raised about this code of practice.

⁵⁴ BC Regulations, clause 84.

⁵⁵ BC Regulations, clause 87.

⁵⁶ See clause 88 of the BC Regulations.

⁵⁷ BC Regulations, clause 89.

⁵⁸ See, generally, Part 12 and Part 13 of the BC Act.

⁵⁹ See clause 107 and 108 of the BC Regulations.

⁶⁰ Humane Society International Australia developed a set of governance criteria for the *Licence to Kill* report to assess each jurisdiction's licensing framework. The governance criteria can be found on pages 27-29 of the *Licence to Kill* report.

⁶¹ We also recommend this be recognised in the Animal Welfare Act.

⁶² NB: A person may be required to undergo some training and assessment under the firearms legislation.