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| Pest control technical note – Wildlife and pest animal control |
| Number 6 Updated December 2019 |

This technical note is designed to bring to your attention the Victorian legislation relevant to the pest control industry.

Copies of the Acts referred to can be obtained from the Victorian Legislation and Parliamentary Documents web site at:

<http://www.legislation.vic.gov.au/>

# Licensing by the Department of Health and Human Services

A pest control operator (“PCO”) is defined in the Public Health and Wellbeing Act 2008 as ‘a person who carries on or holds themselves out in any way as carrying on the business of controlling, destroying or repelling pests’.

Anyone who uses pesticides, or permits another person to use pesticides, in the course of the business of a pest control operator in Victoria is required to hold a licence issued under section 101 of the Victorian Public Health and Wellbeing Act 2008 (“pest control licence”) unless the pesticide is being used for any of the purposes specified under section 100 of the Public Health and Wellbeing Act 2008. For further information please refer to technical note number 5 – Legislation and Licensing.

The Department of Health and Human Services issues licences to individuals who have attained the appropriate qualification. A pest control licence will list one or more authorisations depending on the type of pest control work the licence holder is qualified to undertake. The authorisations available are:

* Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest (including rodents) except a pest animal or timber pests.
* Pesticides (except fumigants) that have been formulated for the control of any pest, to control any pest (including rodents and timber pests) except a pest animal.
* Pesticides that have been formulated for the control of pest animals; to protect an area or place in a building used for commercial purposes or domestic premises or privately owned land adjacent to domestic premises.
* Pesticides that are in the form of fumigants.

If a PCO intends to undertake wildlife control (eg. possums), they must also hold a Wildlife Controller
Licence or an Authority To Control Wildlife issued by the Department of Environment, Land, Water and Planning.

## Pest Animal Control

Under the Act, a person holding a pest control licence with an authorisation to use “pesticides formulated for the control of pest animals” may only control those animals defined as pest animals under the Catchment and Land Protection Act 1994.

The Catchment and Land Protection Act 1994 defines “pest animal” as:

prohibited pest animal;

controlled pest animal;

regulated pest animal; or

**established pest animal**(see below)

**Scientific name Common Name**

*Vulpes Vulpes* Red Fox

*Lepus europaeus* European Hare

*Capra hircus* Goat

*Sus scrofa* Pig

*Canus lupus familiaris* Dog

*Canus lupus dingo x* Dingo-dog Hybrid

*Oryctolagus cuniculus* European Rabbit

Animal species are classified as prohibited pest animals, controlled pest animals, regulated pest animals or established pest animals according to their potential to threaten primary production, Crown land, the environment and community health.

Under section 20(1)(f) of the Catchment and Land Protection Act 1994 a landowner must take all reasonable steps to prevent the spread of, and as far as possible eradicate, established pest animal in relation to their land. This is a service that a PCO would be contracted to provide.

If a PCO intends to control an established pest animal using pesticides to protect an area or place used for commercial or domestic purposes, the PCO will require a pest control licence with a pest animal authorisation.

***Please note:*
 Rodents are not defined
as a pest animal.**

# Licensing by the Department of Environment, Land, Water and Planning

The *Wildlife Act* 1975 and the *Wildlife Regulations* 2013, administered by the Department of Environment, Land, Water and Planning (DELWP) were established in order to protect wildlife throughout Victoria from extinction, while also making provisions for regulated possession, trade and utilisation of wildlife for private and commercial purposes through licensing.

# What is Wildlife?

“Wildlife”, as defined under the *Wildlife Act* 1975, includes:

* any animal of a vertebrate taxon which is indigenous to Australia;
* all kinds of deer, non-indigenous quail, pheasants, and partridges;
* any taxon of animal which the Governor in Council declares to be wildlife for the purposes of the *Wildlife Act* 1975;
* any taxon of terrestrial invertebrate animal which is listed under the *Flora and Fauna Guarantee Act* 1988;
* any hybrids of a taxon of animal specified above; and
* includes any such animal or any member of a taxon which is bred or kept in captivity or confinement.

The term “wildlife” refers to wildlife in **any** form whether dead or alive and includes any individual part of an animal.

All wildlife is protected under the *Wildlife Act* 1975. However, there are some circumstances in which wildlife may be declared to be unprotected.

Wildlife Licences

Under Part VII of the *Wildlife Act* 1975 it is an offence to hunt, take, destroy, buy, sell, acquire, receive, dispose of, keep, possess, control, breed, process, display, swap, keep, trade, kill, release, take samples from or experiment on wildlife without prior written approval from the Secretary to the Department of Environment, Land, Water and Planning. This is usually in the form of a Wildlife Controller Licence or an Authority To Control Wildlife (ATCW).

DELWP may issue licences under Section 22(1) of the *Wildlife Act* 1975 in any of the 12 categories prescribed in the *Wildlife Regulations* 2013. Each category makes provisions for the lawful undertaking of different activities involving wildlife.

If you are participating in any other activities involving wildlife, such as production, display or taxidermy, please contact the DELWP for licensing details.

## Wildlife Controller Licence

A Wildlife Controller Licence authorises the licence holder to take any wildlife listed in Schedule 6 of the Wildlife Regulations 2013 and specified in the licence from the wild and to destroy, dispose of or sell the wildlife, in circumstances where the wildlife is damaging property or is a danger to persons.

Conditions

Wildlife Controller Licences are subject to a number of conditions. These conditions specify:

* the taxa which may be controlled;
* the methods which may be used; and
* the transportation and release or disposal of captured wildlife.
* In addition to this the licence holder must also:
* allow inspection of the licensed premises, (other than a private dwelling, where a warrant is required), by an authorised officer;
* maintain complete, accurate, legible, records and submit returns (a summary of wildlife transactions) annually; and
* only operate on lands with the consent of the landowner or land manager.

A licensed wildlife controller may control the Sulphur-crested Cockatoo, Long-billed Corella and Galah; Common Brushtail Possum; Common Wombat; and all indigenous reptiles without an ATCW. It is a requirement under Regulation 64 of the Wildlife Regulations 2013 that a royalty of $5.00 be paid (plus $0.50 GST) by the licence holder for each bird taken from the wild under a Wildlife Controller Licence. This royalty is collected through the purchase of parrot rings from the Department of Environment, Land, Water and Planning.

It is an offence against the *Wildlife Act* 1975 to fail to comply with any of the conditions placed upon a Wildlife Controller Licence, or ATCW, or to act outside the entitlements granted by the licence or ATCW. A Wildlife Controller Licence or ATCW may be suspended or cancelled if the licence holder is found to be guilty of an offence against the *Wildlife Act* 1975 or has breached a condition of licence.

Licence Application

To obtain a licence to control wildlife, an applicant must complete the appropriate form with proof of identity and return it to the DELWP. Applicants may be subjected to an interview with an authorised officer, which may also involve an inspection of the proposed licensed premises. If accepted, the applicant will be invoiced for payment of the prescribed fee. The fees for a wildlife controller licence increase each financial year in line with the Reserve Bank’s Consumer Price Index. As a result, new fees come into effect annually on 1 July. Current fee information is available on the DEWLP website at: https://www.wildlife.vic.gov.au/keeping-and-trading-wildlife/commercial-wildlife-licences

## Authority to Control Wildlife (ATCW)

Written authorisations are also issued by the DELWP under section 28(A) of the *Wildlife Act* 1975, allowing an individual to partake in activities involving wildlife, including destruction and disposal, provided that the DELWP is satisfied that the authorisation is necessary. Circumstances under which an authorisation may be necessary include:

* + Where wildlife is damaging any building, vineyard, orchard, crop, tree, pasture, habitat or other property owned, occupied or administered by the person to whom the authorisation is to be issued or property adjacent to or in proximity to such property; and
	+ For the purposes of ensuring the health or safety of any person or class of persons.

An ATCW specifies the taxa, number of individual animals, permitted method of control, location and the circumstance under which the wildlife is authorised to be controlled. An ATCW is also subject to conditions.

To apply an ATCW an applicant must complete the appropriate form and return it to the DELWP.

## DELWP Contact Details

For further information wildlife control or licensing by The Department of Environment, Land, Water and Planning please contact the DELWP Customer Service Centre on 136 186 or visit the DELWP website at <https://www.wildlife.vic.gov.au/>
Definition of Terms

**Taxon:**

A group of genetically similar organisms that are classified together as a species, genus, family, etc.

**Vertebrate:**

An animal having a backbone.

**Indigenous:**

Originating or occurring naturally in a particular place.

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