

Information sheet

Nature Conservation (Animals) Regulation 2020

Authorising a relevant person under a rehabilitation permit

This information sheet is issued by the Department of Environment and Science to inform rehabilitation permit holders how to authorise a relevant person to care for sick, injured or orphaned protected animals in Queensland.

The Department of Environment and Science (DES) is the administering body for the *Nature Conservation Act 1992* (the Act). Under the Act and subordinate regulations, which include the Code of Practice for the Care of Sick, Injured or Orphaned Protected Animals in Queensland (the Code), the chief executive may grant a rehabilitation permit to an individual or voluntary wildlife care association.

The holder of a rehabilitation permit may authorise a relevant person to conduct activities authorised under their rehabilitation permit. The Nature Conservation (Animals) Regulation 2020 (Animals Regulation) defines a relevant person (person) as a person acting under the direction of the permit holder (the holder).

Section 79 of the Animals Regulation states:

Animal authority or identification must be available for inspection

A holder of an animal authority must ensure a person carrying out an activity under the authority, while carrying out the activity, has the following documents available for inspection—

- (a) if the person is the holder of the authority—the authority or a copy of the authority;*
- (b) if the person is not the holder of the authority—a copy of the authority endorsed by the holder of the authority with the person's name and residential address.*

The holder cannot authorise a person to conduct an activity or care for a species that is not authorised on the original rehabilitation permit. This includes not authorising more than the total allowable number of animals as specified in the 'quantity' section of the permit or written in the conditions section of the original rehabilitation permit.

To be clear, the total number specified on the permit or in a condition is the total number permitted across all persons authorised and operating under the authority including the permit holder.

To assist the holder to comply with section 79 of the Animals Regulation, DES has developed an authorisation template that contains the information required to authorise a person. A copy of the original permit and conditions must be attached to the authorisation template and given to the person. The holder should keep a copy of the authorisation for their records.

The holder can choose to use another document (other than the authorisation template) to authorise a person providing that document contains the same information as the template provided by DES. This document must accompany a copy of the original permit and condition; given to the person and a copy kept by the holder.

It is not appropriate for the holder or person to modify and/or deface the original permit in anyway unless the permit holder is limiting the species and number of animals a person may obtain in accordance with section 202 of the Animals Regulation:

Authorising relevant persons under a rehabilitation permit

Obtaining and keeping animals

(2) This section does not authorise a relevant person for the holder of a rehabilitation permit to obtain or keep an animal under the permit if the holder instructs the relevant person not to obtain or keep the animal.

Example of way in which instruction may be given—

the holder gives the relevant person a copy of the permit with the animal crossed out

(3) In this section—

obtain, an animal, means—

(a) take the animal, other than hunt, shoot, wound, kill, skin, poison, spear, injure or harm the animal; or

(b) accept the taken animal from another person.

DES recommends that the holder use the authorisation template accompanied by a copy of the original permit and conditions rather than modifying the original permit and conditions. It is also recommended that the holder specify an expiry date for the authorisation (which cannot exceed the expiry date of the original permit) and periodically review a person's ability to care for sick, injured or orphaned protected animals. This review should include a visit to the person's premises to ensure they are compliant with the Code.

The holder should also keep a record of persons authorised under their permit.

Voluntary wildlife care associations are required to maintain a current membership list and provide to DES that list within 20 business days of the close of the financial year as per the Code.

When the holder authorises a person, the holder is responsible for ensuring that a person complies with the Act, subordinate regulation and the Code. There may be additional obligations under other acts.

Section 318 of the Animals Regulation states:

Compliance with conditions of an animal authority

(2) For subsection (1), the holder is taken to comply with a condition of the authority if a relevant person for the holder complies with the condition for the holder.

(3) A relevant person for the holder of an animal authority must, unless the holder has a reasonable excuse, comply with the conditions of the authority applying to the holder.

(a) for failure to comply with a record keeping condition or a return of operations condition—120 penalty units; or

(b) otherwise—80 penalty units.

(4) In this section—

record keeping condition means a condition mentioned in any of sections 98, 111, 125, 135, 141, 148, 159, 198, 233 or 401.

return of operations condition means a condition mentioned in any of sections 99, 112, 126, 136, 142, 160, 172, 179, 185, 199, 210 or 228.

If the holder becomes aware that a person is not compliant, or they choose to no longer endorse a person under their rehabilitation permit, the holder is obligated to make reasonable attempts to notify the person that they are no longer authorised and to remove any animals under the persons care. The holder should not jeopardise their safety or the safety of others when notifying or removing animals from a person. The holder must notify DES in writing within 20 business days to wildlife@des.qld.gov.au that a person is no longer authorised and the outcome of any reasonable attempts to notify the person.

Voluntary wildlife care associations should refer to section 17 of the Code for a list of obligations regarding their members operating under a group rehabilitation permit. The group rehabilitation permit holder needs to be

Authorising relevant persons under a rehabilitation permit

aware of obligations to minimise each biosecurity risk as under the [Biosecurity Act 2014](#). The permit holder should consider their obligations under [worksafe](#) to provide a safe workplace.

For further information please refer to:

Nature Conservation Act 1992

Nature Conversation (Animals) Regulation 2020

Code of Practice for the care of sick, injured or orphaned protected animals in Queensland

General biosecurity obligation: <https://www.daf.qld.gov.au/business-priorities/biosecurity/policy-legislation-regulation/biosecurity-act-2014/general-biosecurity-obligation>

WorkCover Queensland: <https://www.worksafe.qld.gov.au/laws-and-compliance/workplace-health-and-safety-laws/duties>