

Keeping native animals as pets: is it legal?

This Factsheet is for general information purposes and is not legal advice. It provides a brief overview only of this area of the law. If you require legal advice relating to your particular circumstances you should contact the ADO or another solicitor.

In February 2017 Australia's Threatened Species Commissioner suggested 'patriotic' Australians should be allowed to keep native animals as pets.¹

Is this possible under ACT law? What are the concerns about keeping native animals as pets?

Keeping a native animal in the ACT

In the ACT it is an offence to conduct certain activities in relation to native animals, including keeping most native animals as pets.²

A person may be allowed to keep a native animal as a pet only if:

- The person has obtained a licence; or
- The animal is known as an 'exempt animal'.



Native animal offences

In the ACT the following actions can be an offence:

- Killing a native animal
- Interfering with the nest of a native animal
- Injuring or endangering a native animal
- Taking a native animal (dead or alive)
- Keeping most types of native animals without a licence and for longer than 48 hours
- Selling most types of native animals (and selling them without showing a licence).
- Releasing an animal from captivity.

Most of these actions may be undertaken if a person holds a licence that permits them to do any of these actions.³

Licences

Licences allow a person to do something that would otherwise be an offence under the law.

This means that you may be able to hold a licence to take a native animal from the wild and to keep the animal.

However, granting licences is discretionary and there are various factors that will be considered before a licence will be granted, including whether that native animal has special protection status.

¹ <http://www.theaustralian.com.au/news/health-science/pat-a-wombat-consider-the-quoll-how-pet-owners-are-going-native/news-story/b56b2029adfd311e069cf83f82b90ecf>, 2 February 2017.

² *Nature Conservation Act 2014* (ACT), Division 6.1.2.

³ *Nature Conservation Act 2014* (ACT), Chapter 11 'Nature conservation licences'.

‘Exempt Animals’

A person can keep an ‘exempt animal’ without a licence. Native animal offences do not apply to an exempt animal.

Exempt animals include rosellas, cockatiels, galahs, rainbow lorikeets, cockatoos, bearded dragons, blue-tongued lizards, and shinglebacks.

No native mammal is listed as an exempt animal.⁴

Animal welfare laws

A person keeping a native animal as a pet would need to be aware that the *Animal Welfare Act 1992* (ACT) would apply to them.

This means the keeper would have a duty to care for the animal.⁵ This includes providing the animal with appropriate food and shelter, and the opportunity to display behaviour that is normal for the animal. This may be difficult with wild native animals.



Concerns

The welfare and environmental concerns about keeping native animals as pets include:⁶

- The animals would suffer undue stress due to living in an unnatural environment.
- Native wildlife have very particular diet, shelter, behavioural and psychological needs, which would be difficult to meet in domestic environments.
- Native pets will end up in shelters due to people being unable to meet their needs.
- Wild animals would be illegally trapped to support the local pet trade. This could also lead to oversupply issues.
- Native pets may be re-released to the wild where the animals may not be able to survive, and local species could be put at risk and biodiversity affected.

About the Animal Defenders Office Inc.

The Animal Defenders Office is a community law centre specialising in animal law. We aim to support, empower and advocate for individuals and groups who want to use the law to protect animals. We do this by providing information, advocacy and advice. If you would like the Animal Defenders Office to help you to protect animals, please contact us at contact@ado.org.au. To learn more about the ADO please visit our website: www.ado.org.au

DISCLAIMER

While all care has been taken in preparing the information on this fact sheet, it is not a substitute for legal advice. For any specific questions we recommend you seek legal advice. The Animal Defenders Office accepts no responsibility for any loss or damage suffered by people relying on the information on this fact sheet.

⁴ The full list of exempt animals is contained in the *Nature Conservation (Exempt Animals) Declaration 2015 (No 1)* (ACT).

⁵ Section 6B.

⁶ These concerns are stated by the NSW Office of Environment and Heritage, WIRES, NSW Wildlife Council, and RSPCA Australia.