

SPECIES PROTECTION LEGISLATION

Health warning: *The text below is a summarised interpretation of the law as it currently stands. It should not be taken as a basis for any legal issue that may arise on any area of land, and persons wishing to obtain detailed information on any aspect of the law should approach either the Environmental Planning Department or the Attorney General's Chambers.*

1. Introduction

- 1.1. The basis for most species protection results from the Conservation of Wildlife & Nature Ordinance (1999) (which amended the Wild Animals and Birds Protection Ordinance (1964) and the Nature Reserves Ordinance (1964)) and the Marine Mammals Ordinance (1992). A list of protected species is given at **Annex B**.
- 1.2. The export of some species for trade is governed by the Convention in the Trade in Endangered Species (CITES).
- 1.3. This information sheet addresses protection of birds, other animals, plants as well as the export of species protected by CITES and the deliberate introduction of non-native species. It does not address animal health or phytosanitary aspects of animal or plant importation and exportation.

2. Protection of Birds

- 2.1. All birds are protected by law. However there are exceptions to this. The most important ones are:
 - 2.1.1. Upland (or greater Magellan) geese and feral (once domesticated) geese may be killed or captured by authorised persons¹ at any time. This includes the taking of eggs.
 - 2.1.2. Speckled (yellow-billed) teal and grey duck (Patagonian crested duck) can be killed or captured at any time by authorised persons outside the close season. The close season operates from 1st July to 31st March.
 - 2.1.3. There are a number of restrictions on the means by which birds can be killed or taken. These are listed in the Ordinance and further advice should be sought from AG Chambers or Environmental Planning Department.
- 2.2. **Collection of eggs.** Egg collecting is only legal under licence for the following species:
 - 2.2.1. Gentoo penguin, Magellanic penguin, logger duck, grey duck (Patagonian crested duck), speckled (yellow-billed) teal and kelp (Dominican) gull.
 - 2.2.2. Eggs of upland geese and feral geese can be collected without a licence by authorised persons.
 - 2.2.3. Licences are issued by the Environmental Planning Department. Permission to enter land must be obtained from the owner or occupier of the land for all egg collection.
- 2.3. **Shooting licences** are issued to deal with the prevention of serious damage to:
 - 2.3.1. Livestock, cultivated crops and vegetables, livestock feed, fisheries, growing timber or any other form of property.
 - 2.3.2. Licences are issued by the Environmental Planning Department
 - 2.3.3. Licences for other activities can be obtained from Environmental Planning Department. Further information can be obtained from EPD.

3. Protection of Other Animals

¹ The law defines an authorised person as a land owner or occupier or someone authorised by a landowner or occupier, as well as someone authorised in writing by provision in law or by a licence granted under some written law. A licence does not in it's own right confer any right of entry onto private land.

- 3.1. It is illegal to kill a protected wild animal (see Annex B). This includes all marine mammals which are defined in the Marine Mammals Ordinance (1992) as seals, whales & dolphins and sea otter. It is illegal to:
- 3.2. Destroy the eggs or spawn of protected animals, and
- 3.3. Destroy or damage any breeding or resting place used by a protected wild animal.
- 3.4. Although normally protected it is legal to take up to six wild sea (brown) trout each day outside the close season (defined as 1st May to 31st August).
- 3.5. There are a number of restrictions on the means by which protected wild animals can be killed or taken. These are listed in the Ordinance and further advice should be sought from AG Chambers or Environmental Planning Department.

4. Protection of Wild Plants

- 4.1. It is illegal to deliberately take, uproot, damage or destroy protected wild plants. A list appears at Annex ...
 - 4.2. It is an offence to keep, transport, sell or offer for sale or exchange any live or dead protected wild plant or anything derived from such a plant.
 - 4.3. This does not cover plants growing in gardens or the enclosed curtilage of a building.
5. **General Provisions for protected species.** It is not an offence if:
- 5.1. Damage or destruction of protected species occurs as the result of an otherwise lawful operation and could not have been reasonably avoided or
 - 5.2. Anything is done under the terms of a valid licence, or under the provisions of any other law.

6. CITES

- 6.1. CITES regulates trade in certain species that are considered vulnerable due to the effect of that trade. There are a number of species covered by CITES in the Falkland Islands (which includes all whale and seals or parts derived from whales and seals, as well as some birds of prey, all orchids and a number of other marine species – e.g. basking shark).
- 6.2. CITES licences are issued by Customs, but advice on CITES should be sought from Environmental Planning Department.

7. Non Native Species

- 7.1. It is an offence to deliberately release into the wild any animal or bird not ordinarily resident in or a visitor to the Falkland Islands. It is an offence to deliberately plant or cause to grow in the wild any plant not ordinarily growing in the wild in the Falkland Islands.