

Assessment Guideline

Wildlife management

Assessment guideline for applications to keep dangerous snakes on specialised and advanced licences

An assessment guideline provides guidance for consideration by the chief executive (or delegate) of an application for an authority under the Nature Conservation Act 1992

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Assessment guideline for applications to keep dangerous snakes on specialised and advanced licences

1 Purpose

This assessment guideline is made under section 174B of the *Nature Conservation Act 1992* and outlines the Department of Environment and Science's (DES) approach to matters that a department delegate needs to consider when deciding an application for a 'specialised' or 'advanced' licence for the keeping of venomous snakes, listed in Appendix 1 of this assessment guideline. In accordance with section 174B of the *Nature Conservation Act 1992* the decision maker for an application for a specialised or advanced licence must have regard to the provisions and requirements of this assessment guideline in relation to the keeping of dangerous animals.

2 Background

The chief executive (or delegate) may consider applications for specialised or advanced licences that allow the holder to keep dangerous animals, that is, a class 2 animal stated to be a dangerous animal under schedule 3, part 3 of the *Nature Conservation (Animals) Regulation 2020* (the *Animals Regulation*). These species are listed in Appendix 1 of this assessment guideline. All species currently listed as dangerous animals under the *Animals Regulation* are venomous snakes.

Under changes to regulations made in August 2020, the distinction between Commercial wildlife licences (CWL) and Recreational wildlife licences (RWL) has been removed and replaced with licences based on the number of animals that may be kept and the applicants' intention to keep, breed or trade them. The previous approach prohibited CWL holders from possessing any dangerous animals and limited RWL holders' to possessing no more than 20 dangerous snakes in urban areas and no more than 80 dangerous snakes in non-urban areas – with no graduation in terms of the levels of skill and experience required to keep particular dangerous snakes.

Under the new licensing system introduced under the *Animals Regulation*, an applicant will be able to apply to keep dangerous snakes under a specialised or advanced licence if they can demonstrate that they have the necessary knowledge, experience and facilities required for the keeping such snakes. Furthermore, dangerous snakes have been divided into three (3) tier levels – based on the levels of skill and experience considered necessary for keeping snakes at each level. In most cases progressing from keeping first-level dangerous snakes, through to keeping third-level dangerous snakes, requires the applicant to be licenced at the previous tier level for a minimum of 12 months and to have kept at least one of the snakes listed in that tier level. Once these requirements have been satisfied, the applicant may apply to amend their licence to progress to the next tier level. See section 4.1 for more specific details.

3 Policy statement

Queensland's native wildlife is protected by legislation that aims to conserve biodiversity by protecting wildlife and its habitat. All native birds, mammals, reptiles, amphibians and some fish and invertebrates are protected and a licence is required to keep these animals.

The dangerous animals listed in this guideline are venomous snakes that can deliver toxic venom via bites that can be lethal or cause serious illness/injury. The keeping of dangerous snakes therefore exposes the public, and those visiting a licenced premises, to a significant risk in the event of one or more animals escaping their enclosure(s) at the premises, either through negligence or misfortune (e.g. natural disaster or equipment failure).

The department intends to reduce the risks to public health and safety posed by the keeping of dangerous snakes by:

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- applying limits to the number and type of dangerous snakes that can be kept under a licence and
- ensuring the matters described in these guidelines are considered by assessment officers and delegates.

4 Assessment guidelines

When considering an application for a specialised or advanced licence the delegate must take into consideration section 241(1)(h) of The Animals Regulation regarding public health and safety.

The level of risk to the public from venomous snakes held under licences increases based on a number of key factors,

- the number of dangerous snakes being kept at a licenced premises,
- the potency of the venom of the snakes being held,
- the experience and knowledge of the licenced keeper (particularly knowledge and experience in the handling and keeping of dangerous snakes) and the level of difficulty required in the keeping of the snakes,
- the suitability of enclosures and other safety measures installed at the licenced premises.

The delegate must also consider sections 101, 108, 114(3) and 122 of The Animals Regulation, that a specialised or advanced licence for dangerous snakes must not be granted unless the chief executive is satisfied that the person applying for the licence has the knowledge, experience and facilities necessary to keep the animal and ensures the likelihood of escape, injury or ill-health of the animal is minimised, in the way required under the Code of Practice – Captive reptile and amphibian husbandry (Reptile Code).

For the above reasons, it is appropriate when assessing licence applications for the keeping of dangerous snakes; that consideration is given to:

- i. limiting the number and types of dangerous snakes that may be kept,
- ii. ensuring adherence to the minimum standards outlined in the Reptile Code for the method of keeping and handling of dangerous snakes (including the associated safety measures),
- iii. ensuring applicants have the appropriate knowledge, experience, and facilities for the keeping of particular dangerous snakes,
- iv. the number and types of dangerous snakes currently being held by the applicant.

With these considerations in mind under a specialised licence the applicant will be permitted to have a maximum limit of 50 vertebrates – meaning at most 50 dangerous snakes if they have no other animals.

Under an advanced licence the applicant will be permitted to have unlimited vertebrates, up to a maximum limit of 50 dangerous snakes by default, unless they can demonstrate to the chief executive that they can reasonably and safely care for more. Additionally, a person must be able to demonstrate that they have the knowledge, experience and facilities required to keep dangerous snakes.

A three-tiered licensing approach has been introduced to enable applicants to gain experience and skills with snakes considered less dangerous, or easier to keep, before graduating to snakes requiring more specialised keeping skills, or that are considered potentially more dangerous to keep.

When deciding an application for dangerous snakes, the delegate will be guided by each of the following considerations. i.e. 4.1, 4.2, and 4.3 of this guideline.

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4.1 Determining demonstrated knowledge and experience for the keeping of dangerous animals:

Note: If the applicant is currently keeping dangerous animals under a former licencing system please refer to section 4.4 (Transitional Considerations) of this guideline.

4.1.1 A person may be considered knowledgeable for keeping dangerous animals if they:

- Have held a standard, specialised, or advanced licence, RWL without authorisation for dangerous snakes; or
- Are currently the holder of a standard/specialised or advanced licence equivalent in another State or Territory, for a minimum of 1 year, and/or;
- Can provide other proof of their knowledge of dangerous snakes, e.g.:
 - Copies of papers or journal articles, of which the applicant is the principal author, concerning research into the biology or conservation of native reptiles and amphibians in the wild, including venomous snakes.
 - References from a former or current employer or another person who keeps dangerous animals under a licence, under whose supervision the applicant has handled and maintained a captive population of reptiles and amphibians, including venomous snakes, over an extended period of time.
 - A certificate indicating that the applicant has successfully completed a training course concerning the keeping and safe handling of reptiles and amphibians, including venomous snakes.
- Can demonstrate knowledge of first aid for snake bite, e.g.:
 - Through the completion of a first aid course delivered by a recognised provider.

4.1.2 A person may be considered experienced in keeping dangerous snakes if they:

- Can meet the requirements necessary to be placed in one of the following tier categories, i.e. keep or have first-level, second-level or third-level dangerous snakes, or can demonstrate equivalent experience as per section 4.1.3.

Tier 1:

In order to meet the requirements necessary to be licenced to keep first-level dangerous snakes, the applicant must have held a standard, specialised, or advanced licence without authorisation for dangerous snakes (or an equivalent authority under Queensland's superseded wildlife permitting framework, or in another State or Territory), for a minimum of 1 year and have kept at least one snake.

After not less than 1 year of being licenced to keep snakes, and having kept snakes, the applicant may apply to be permitted to keep first-level dangerous snakes under a specialised or advanced licence. The first-level dangerous snakes permitted to be kept will be limited to:

First-level dangerous snakes

- *Pseudechis porphyriacus* - red-bellied black snake
- *Pseudechis guttatus* - spotted black snake

Tier 2:

After not less than 1 year of being licenced to keep first-level dangerous snakes and having successfully kept first-level dangerous snakes, the licence holder may apply to upgrade to a licence to keep second-level dangerous animals. The additional second-level dangerous snakes that may be kept under Tier 2 will be limited to:

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Second-level dangerous snakes

- *Demansia papuensis* - greater black whipsnake
- *Demansia vestigiata* - lesser black whipsnake
- *Hoplocephalus spp.* - broad-headed snakes
- *Acanthophis spp.* - death adders
- *Austrelaps spp.* - copperheads
- *Cryptophis nigrescens* - eastern small-eyed snake
- *Notechis spp.* - tiger snakes
- *Pseudechis spp.* - black snakes (including first-level dangerous snakes)
- *Suta suta* - myall snake

Tier 3:

After not less than 1 year of being licenced to keep second-level dangerous snakes and having successfully kept second-level dangerous snakes, the licence holder may apply to upgrade to a licence to keep all of the types of dangerous snakes listed in Appendix 1 of this guideline. The additional, third-level, dangerous snakes permitted to be kept under Tier 3 include:

Third-level dangerous snakes

- *Oxyuranus spp.* - taipans
- *Pseudonaja spp.* - brown snakes
- *Tropidechis carinatus* - rough-scaled snake

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4.1.3 Demonstrating equivalence of experience in keeping tiers

A person may show equivalent experience and skills in keeping first-level, second-level, or third-level dangerous snakes if they:

1. Can demonstrate at least one of the following:
 - a. that they have held an equivalent licence from another State or Territory; or
 - b. evidence of current or previous employment or involvement in the reptile industry working with dangerous snakes, i.e.:
 - employment by a specialist or advanced licence holder or equivalent
 - employment by or owner of an exhibitor or demonstrator permit for dangerous snakes e.g. zoo, demonstrator or equivalent
 - held a damage mitigation permit for a minimum of 12 months or have been employed by the holder of a damage mitigation permit for a similar period, which included the capture of venomous snakes.
 - held a farming or harvesting licence for a minimum of 12 months or have been employed by the holder of a farming or harvesting licence holder (i.e. for snake venom) or equivalent, or
 - c. can supply references from two herpetologists who are recognised as being of high standing in the scientific research community attesting to the applicant's ability to identify, handle and maintain a population of captive reptiles and amphibians, including venomous snakes, as well as providing proof of their own skills and experience;

and

2. Can demonstrate:
 - a. through photos, videos or departmental inspection, their experience in handling and husbandry of dangerous snakes listed as either first-level, second-level or third-level dangerous snakes in accordance with the minimum standards outlined in section 17 of the Reptile Code; and
 - b. can demonstrate through photos, videos or departmental inspection, their experience in cleaning and maintaining enclosures housing dangerous snakes in accordance with the Reptile Code.

4.2 Determining demonstrated facilities for the keeping of dangerous snakes:

The applicant must be able to demonstrate through photos, videos or departmental inspection, appropriate facilities for the species to be kept in accordance with the Reptile Code, i.e.:

- Individual housing for elapids.
- Snake-proofing of all enclosures, including rooms in which enclosures are located, in order to contain snakes in the event of an escape from an enclosure, i.e.:
 - Enclosures must be tightly screened and have no gaps greater than 1 millimetre in width.
 - Rooms must likewise be secured so that snakes cannot escape.
- Labelling of all enclosures housing dangerous snakes with the species, common name and number of occupants (if breeding).
- Ensuring that if the room in which enclosures are located is not/cannot be locked, then each individual enclosure housing dangerous snakes is kept locked.
- Suitable first aid equipment for treatment of snakebite is present in the room i.e.

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- Adequate supplies (at least two) neatly rolled crepe bandages for first aid in the case of snakebite
- The applicant may wish to consider displaying pictogram medical procedure for snake bite injury within the room
- The applicant should keep a phone readily accessible in the event that a 000 call needs to be placed.

N.B. If the applicant cannot snake-proof the room and enclosures in which dangerous snakes are to be held, then the applicant cannot be granted a permit to keep them.

The applicant must also be able to demonstrate through photos, videos or departmental inspection, appropriate equipment required for handling venomous snakes which may include:

- hook,
- grasping tongs,
- hoop bag – long, heavy calico bag, closed at one end and suspended open at the other end by a hoop,
- jigger/head press – an appliance to securely pin the snake to the ground or padded surface before the head is secured by hand,
- feeding tongs/forceps,
- clear tubes – clear rubber or PVC tube used to restrain a snake,
- hide box – container designed with secure doors that can be closed with a hook.

4.3 Assessment of the number of dangerous snakes for licence applications

All applications for the keeping of dangerous snakes are to be limited to a default maximum of 50 dangerous snakes, unless the holder of an advanced licence can demonstrate that they can safely keep more than 50 of the animals. Approval to keep over 50 dangerous snakes will only be given in limited circumstances.

Approval to keep more than 50 dangerous snakes will not be given when the location for keeping the dangerous snakes falls within a densely populated area, such as suburbia. This is because the keeping of dangerous snakes in densely populated areas creates elevated risks for the community, due to the higher likelihood of an escaped snake coming into contact with people, and the fact that those people are not expecting to encounter such threats. Such risks increase with the number of snakes held at any one location, as well as the scale of the keeping facility (for example, breeding purposes). In addition, in an emergency situation, first-responders may be placed at unnecessary risk.

Therefore, with public safety in mind, the delegate should consider the geographic location at which the animals would be kept, and if the application proposes a licenced premises which is deemed an incompatible land use for the keeping of more than 50 dangerous animals then the delegate should consider limiting the licence to the keeping of not more than 50 dangerous animals.

N.B. In assessing a specialised or advanced application for dangerous snakes an assessing officer must make all reasonable efforts to ascertain the numbers of dangerous snakes currently kept by an applicant.

4.3.1 Determining incompatible land use:

An incompatible land use includes:

- A location within 100m of a densely populated area.
- A location within 100m of a public use area, e.g.:
 - sport and recreation zones e.g. developed parks, playgrounds or playing fields, gymnasiums, public swimming pools, tennis courts, etc.

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- community facilities zone e.g. educational establishments, hospitals, transport networks i.e. train/bus station, etc.
- centre zones e.g. shopping centres, restaurants and entertainment areas, office buildings etc.
- tourist accommodation zones, e.g. hotels, motels and caravan parks, etc.

4.4 Transitional considerations

Transitional considerations are available for applicants who are currently keeping dangerous animals under the former licensing system, i.e.:

- RWLs granted prior to 22 August 2020
 - RWL applications made prior to 22 August 2020 which have not been assessed.
 - Interstate applicants moving to Queensland who are permitted to keep dangerous animals in another State or Territory.
1. If a new application for a specialised or advanced licence is received from the current holder of an RWL for reptiles and amphibians who has been licenced for 12 months or more, and the applicant is not keeping dangerous snakes at the time of application, the applicant will be permitted to keep first-level dangerous snakes under a specialised or advanced licence, provided they can meet the other requirements of this guideline.
 2. If a new application is received from the current holder of a Restricted RWL which authorises the keeping of species in the families Elapidae, Hydrophiidae and Laticaudidae, the applicant will automatically be permitted to keep third-level dangerous snakes under a specialised or advanced licence. If the most recent RWL authorised the keeping of more than 50 dangerous snakes, that number will be reflected in the new advanced licence.

4.5 Conditioning of licences

The following conditions should be considered by the assessing officer and the delegate for endorsement on a specialised or advanced application for dangerous snakes:

1. The licensee must ensure that any person who seeks to enter the licenced premises is made aware, prior to entering, that dangerous venomous snakes are being kept within the premises.
 - An example for condition 1 is the placement of signage at the entry of the premises or to the room where the animals are kept. Such signage would need to be of a size, format and placement to enable an ordinary person to readily see, read and understand the sign.
2. The measures taken by the licensee for the purposes of condition 1 must have effect regardless of whether the licensee is present at the premises at the time of the intended entry.
3. The licensee must ensure that physical security measures are in place to minimise the potential for unauthorised persons to enter that part of the licenced premises where the dangerous animals are to be kept (i.e. the snake holding room).
 - An example for condition 3 would be locked security screens fitted to all windows or other potential external entry points to the snake holding room, as well as locked doors at internal entry points.
4. For local government disaster management planning purposes, the licensee must in July of each calendar year provide notice in writing to the local government applicable to the licenced premises specifying the number and species of dangerous snakes that are being kept on the premises.

4.6 Notification of particular changes including change of address of licenced premises

Section 80 of the Animals Regulation requires a licensee to notify the chief executive before or immediately after, a relevant change happens and apply to the chief executive for an amendment of the licence to reflect the change.

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Relevant change, in relation to an animal authority, means a change of any of the following –

- (a) the postal, residential or business address of the holder stated in the authority;
- (b) if the holder is a corporation—
 - (i) the person in charge of the activity carried out under the authority; or
 - (ii) the person in charge of the licenced premises for the authority;
- (c) the licenced premises for the authority;

A penalty applies to a breach of this requirement.

4.7 Advice to be included in a covering note accompanying each granted licence

The following matters must be provided *as additional information* to the licensee with each granted standard, specialised or advanced permit in all areas.

- **Important note:** The Animals Regulation requires that standard, specialised and advanced licence holders must keep and use reptiles in a way that ensures the likelihood of escape, injury or ill-health of the animal is minimised. The licensee complies with this requirement by fulfilling the relevant elements in the Code of Practice - Captive reptile and amphibian husbandry, as well as the conditions set out on the licence. This does not limit the ways in which the licensee may comply with those requirements of the Animals Regulation.
- **Important note:** The Animals Regulation specifies that a specialised licence holder can not keep or use more than a total of 50 live birds, reptiles or amphibians under the licence. As a result, the licence holder must ensure that animals do not breed during the term of the licence to the extent that the total number of animals kept, including offspring, exceed the maximum limit imposed by the licence.
- **Important note:** An advanced licence holder must ensure that dangerous animals do not breed during the term of the licence, to the extent that the total number of animals kept, including offspring, exceed the maximum limit imposed by the licence.

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5 Key definitions

In this assessment guideline –

Dangerous Animal means an animal that is listed in Schedule 3, Part 3 of the Nature Conservation (Animals) Regulation 2020 that is also listed in Schedule 1 of this assessment guideline.

Delegate means a person with appropriate delegated authority to grant a specialised or advanced licence for dangerous animals

Densely populated area - For the purposes of this guideline, a densely populated area means any area used or intended for residential or commercial use and contains parcels of land typically less than 4000m² in size.

Herpetologist means a person knowledgeable and experienced in the study and handling of reptiles and amphibians.

6 Authorities

Nature Conservation Act 1992

Nature Conservation (Animals) Regulation 2020

Code of Practice – Captive reptile and amphibian husbandry

Human Rights Compatibility

The department is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this assessment guideline, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

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Appendix 1: Dangerous Animals

The following reptiles are class 2 dangerous animals—

Common name	Scientific name
death adders	<i>Acanthophis</i> spp.
copperheads	<i>Austrelaps</i> spp.
eastern small-eyed snake	<i>Cryptophis nigrescens</i>
greater black whipsnake	<i>Demansia papuensis</i>
lesser black whipsnake	<i>Demansia vestigiata</i>
broad-headed snakes	<i>Hoplocephalus</i> spp.
tiger snakes	<i>Notechis</i> spp.
taipans	<i>Oxyuranus</i> spp.
black snakes	<i>Pseudechis</i> spp.
brown snakes	<i>Pseudonaja</i> spp.
myall snake	<i>Suta suta</i>
rough scaled snake	<i>Tropidechis carinatus</i>

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Appendix 2: Snake species and average clutch sizes – for information

The table below indicates the known clutch sizes for a number of dangerous snakes and is provided for information only.

Species	Type of birth	Clutch size
black snakes <i>Pseudechis</i> spp.	Oviparous	7 – 20 (average 12)
red-bellied black snake <i>Pseudechis porphyriacus</i>	Viviparous	8 – 40 (average 12)
broad-headed snakes <i>Hoplocephalus</i> spp.	Viviparous	2 – 20 (average 5 – 6)
brown snakes <i>Pseudonaja</i> spp.	Oviparous	9 – 38 (average 6 – 16)
Collett's snake <i>Pseudechis colletti</i>	Oviparous	average 12
copperheads <i>Austrelaps</i> spp.	Ovoviviparous	7 – 45 (average 15)
death adders <i>Acanthopis</i> spp.	Ovoviviparous	Up to 42 young
eastern small-eyed snake <i>Cryptophis nigriscens</i> (formerly <i>Rhinoplocephalus nigriscens</i>)	Viviparous	2 – 8 (average 4)
rough-scaled snake <i>Tropidechis carinatus</i>	Viviparous	5 – 12 (average 10)
taipans <i>Oxyuranus</i> spp.	Oviparous	12 - 20 (average 11)
tiger snakes <i>Notechis</i> spp.	Viviparous	11 – 109 (average 23)

The above breeding information was sourced from the following references:

The **Australian Reptile Online Database** (<http://www.rod.com.au/rod/>) which is a searchable database containing information on all currently recognised Australian reptile species

The Queensland Museum

Reptiles and Amphibians of Australia – Harold Cogger

Appendix definitions

Oviparous - means that the snake lays eggs that develop and hatch outside the mother's body – egg-layers.

Ovoviviparous means that a snake lays an egg but the egg stays in the mother's body. The embryo receives nutrients from the yolk sac instead of the mother itself – results in live birth.

Viviparous means a snake retains the egg inside the mother's uterus, but the embryo receives nutrients from the placenta - results in live birth.

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21 August 2020

Date

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