



# Licensing policy

Commercial Kangaroo Management Program

Department of Planning and Environment



## Acknowledgement of Country

The Department of Planning and Environment acknowledges the Traditional Custodians of the lands where we work and live.

We pay our respects to Elders past, present and emerging.

This resource may contain images or names of deceased persons in photographs or historical content.



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# Definitions

In this policy, these words and terms are defined as follows. Unless stated otherwise, phrases and expressions used in this document have the same meaning as those set out in the *Biodiversity Conservation Act 2016*.

**Animal Dealer (Kangaroo) Licence** – a licence to deal in kangaroo carcasses and skins issued under Part 2 of the *Biodiversity Conservation Act 2016* that, subject to the conditions of the licence, authorises the licence holder to:

- buy, sell and possess kangaroo carcasses and skins in New South Wales
- import kangaroo carcasses and skins into, and export kangaroo carcasses and skins out of New South Wales.

**Animal Dealer (Kangaroo Skin) Licence** – a licence to deal in kangaroo skins issued under Part 2 of the *Biodiversity Conservation Act 2016* that, subject to the conditions of the licence, authorises the licence holder to:

- buy, sell and possess kangaroo skins in the state of New South Wales
- import kangaroo skins into, and export skins out of, the State of New South Wales.

**Delegate** – a person delegated the relevant powers relating to licensing by the Environment Agency Head.

**Department** means the Department of Planning and Environment and its successor agencies.

**EPBC Act** means the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

Kangaroos means–

- eastern grey kangaroo (*Macropus giganteus*)
- western grey kangaroo (*Macropus fuliginosus*)
- red kangaroo (*Osphranter rufus* [previously known as *Macropus rufus*])
- common wallaroo (*Osphranter robustus* ssp. *robustus* [previously known as *Macropus robustus* ssp. *Robustus*]).

**Landholder Kangaroo Harvester Licence** – a licence to harvest kangaroos issued under Part 2 of the *Biodiversity Conservation Act 2016* that authorises the licence holder to harvest kangaroos in New South Wales and to possess and sell their carcasses in New South Wales in accordance with the conditions of the licence.

Landholder Kangaroo Harvester Licence fees are lower, and the conditions are more restrictive than a Professional Kangaroo Harvester Licence, such that a Landholder Kangaroo Harvester licence holder can only harvest kangaroos on land owned and/or managed by the licence holder, and the licence holder is not permitted to register a chiller premises.

**Professional Kangaroo Harvester Licence** – a licence to harvest kangaroos issued under Part 2 of the *Biodiversity Conservation Act 2016* that authorises the licence holder to harvest kangaroos in New South Wales and to possess and sell their carcasses in the state of New South Wales in accordance with the conditions of the licence.

# 1. Introduction

The NSW Department of Planning and Environment (the department) has primary responsibility for conserving and managing kangaroos in New South Wales. Under NSW laws, Commonwealth laws and other legal instruments, this is achieved by a general prohibition on harming kangaroos and by allowing certain activities through a licensing system.

The effective regulation of this licensing system is crucial to the effective conservation and management of kangaroos. It is important that the department, as a credible regulator, has a robust and consistent approach to the regulation of the harvesting of kangaroos and dealing with harvested kangaroos.

The Commercial Kangaroo Management Program works to maintain ecologically viable populations of the 4 commercially harvested kangaroo species and ensure that kangaroos are harvested humanely. This is achieved by implementing a harvest quota and carcass tagging system and ensuring that animals are harvested per the *National Code for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes* (2020).

This policy is in respect of the Commercial Kangaroo Management Program and not non-commercial culling which is administered by the NSW National Parks and Wildlife Service.

## 2. Purpose and scope

This policy explains the department's approach to licensing commercial harvesting and dealing in kangaroos. This policy describes the NSW legislation that underpins the licensing framework, licence types, the criteria for issuing licences, circumstances in which licences may need to be suspended or cancelled and related matters.

This policy aims to guide departmental officers in making regulatory decisions that drive a consistent, fair, effective and credible regulatory approach to the management of commercial harvesting and dealing in kangaroos in New South Wales.

To manage the commercial harvesting and dealing in kangaroos, the department:

- monitors kangaroo populations
- establishes sustainable harvesting quotas
- issues licences for the commercial harvesting, dealing in and processing of kangaroos
- sells carcass tags to licensed harvesters
- regulates compliance with legislation and licence conditions
- reports to the public
- supports research into kangaroo management practices.

### 3. Legislative context

Kangaroo species are protected under Australian and NSW laws. New South Wales has primary responsibility for conserving and managing kangaroos under the *Biodiversity Conservation Act 2016* and the *Biodiversity Conservation Regulation 2017*.

Kangaroos are protected animals under section 2.1 of the *Biodiversity Conservation Act 2016*. They can only be harmed in limited circumstances, including if the delegate issues a licence under section 2.11 of the *Biodiversity Conservation Act 2016*.

The Australian Government has responsibility for, regulating the overseas export of kangaroo products. The *Environment Protection & Biodiversity Conservation Act 1999* requires that a Wildlife Trade Management Plan is approved to allow for the export of kangaroo products from Australia.

The Wildlife Trade Management Plan must include an assessment of the environmental impact of the commercial harvesting of kangaroos in the jurisdiction where they are harvested. It must also include management controls to ensure that these activities are ecologically sustainable and will not be detrimental to the conservation status of kangaroos.

The current approved Wildlife Trade Management Plan is the *Wildlife Trade Management Plan for the Commercial Harvest of Kangaroos in NSW 2022–26*. This Plan, together with the *Biodiversity Conservation Act 2016* and the *Biodiversity Conservation Regulation 2017*, provides the management framework for the sustainable, and humane commercial harvesting of kangaroos in New South Wales.



## 4. Overview – licences , registrations and landholder consents

The *Biodiversity Conservation Act 2016* and the Biodiversity Conservation Regulation 2017 prescribe the circumstances in which the delegate can grant, vary, suspend or cancel a licence; and related matters such as the time in which decisions need to be made.

Section 2.14 of the *Biodiversity Conservation Act 2016* prescribes that the licence may include conditions relating to minimum standards for the humane treatment of animals (including killing of animals), keeping of records, and any other matter that the Environment Agency Head considers appropriate in the circumstances.

The delegate must make all decisions in accordance with the relevant provisions of the Act and regulations, and document all decisions appropriately.

### 4.1 Licence types

Table one below details the licence types and activities permitted by each licence type.

**Table 1 Licensing types and permitted activities**

Licence type	Activities permitted by licence
Professional Kangaroo Harvester	<ul style="list-style-type: none"> <li>Harvesting of kangaroos on other people’s land with landholder consent</li> <li>Selling of their own harvested kangaroo carcasses to a licensed Animal Dealer (Kangaroo)</li> <li>Storing kangaroos in a registered mobile chiller, static chiller or kangaroo processing works</li> <li>Registering and operating a mobile or static chiller</li> </ul>
Landholder Kangaroo Harvester	<ul style="list-style-type: none"> <li>Harvesting kangaroos on the licensee’s own property</li> <li>Selling of their own harvested kangaroo carcasses to a licensed Animal Dealer (Kangaroo)</li> <li>Storing kangaroos in a registered mobile chiller, static chiller or kangaroo processing works</li> </ul>
Animal Dealer (Kangaroo)	<ul style="list-style-type: none"> <li>Buying kangaroo carcasses harvested by a licensed harvester from that licensed harvester</li> <li>Selling kangaroo carcasses to other licensed Animal Dealer (Kangaroo)</li> <li>Exporting kangaroo carcasses out of New South Wales</li> <li>Importing kangaroo carcasses into New South Wales</li> <li>Processing kangaroo carcasses in New South Wales in a registered processing works</li> <li>Registering and operating a processing works</li> <li>Registering and operating mobile or static chiller</li> </ul>
Animal Dealer (Kangaroo Skin)	<ul style="list-style-type: none"> <li>Buying kangaroo skins from an Animal Dealer (Kangaroo) or another Animal Dealer (kangaroo skin)</li> <li>Selling kangaroo skins to an Animal Dealer (Kangaroo) or another Animal Dealer (kangaroo skin)</li> <li>Exporting kangaroo skins out of New South Wales</li> <li>Importing kangaroo skins into New South Wales</li> </ul>

Licence type	Activities permitted by licence
	<ul style="list-style-type: none"> <li>Processing kangaroo skins in New South Wales in a registered skin processing works</li> <li>Registering and operating a kangaroo skin processing works</li> <li>Registering and operating a kangaroo skin storage facility</li> </ul>

## 4.2 Registrations

The Biodiversity Conservation Regulation 2017 (clause 2.35) allows for a relevant instrument to require;

- registration of persons who deal in protected animals
- registration of premises used by a person for dealing in protected animals.

The kangaroo management program licences require registration of the person and the premises in certain circumstances.

Table 2 below outlines the registrations relating to each licence type and the circumstances in which they are required.

**Table 2** Circumstances that require the registration of person or premises

Licence	Registration required	Circumstances
Professional Kangaroo Harvester	Registration as a person	Required upon approval of the licence*
	Registration of mobile chiller or static chiller premises	Required if the licensee wishes to operate a mobile or static chiller
Landholder Kangaroo Harvester	Registration as a person	Required upon approval of the licence*
Animal Dealer (Kangaroo)	Registration as a person	Required upon approval of the licence*
	Registration of mobile chiller or static chiller premises	Required if the licensee wishes to operate a mobile or static chiller
	Registration of processing works premises	Required if the licensee wishes to operate a processing works in New South Wales
Animal Dealer (Kangaroo Skin)	Registration as a person	Required upon approval of the licence*
	Registration of processing works premises	Required if the licensee wishes to operate a skin processing works in New South Wales
	Registration of skin storage facility premises	Requires if the licensee wishes to store kangaroo skins in a different location to the skin processing works

\* In practice registration of person is undertaken simultaneously with approval of the licence.

## 4.3 Landholder consents

Where activities such as harvesting or operating a mobile chiller are undertaken on another person's land, consent from that landholder may be required. Table 3 below outlines the landholder consent requirements for relevant activities.

**Table 3**      **Activities and landholder consents required**

<b>Activity</b>	<b>Landholder consent required for the activity</b>
Harvesting of Kangaroos	Landholder consent for the specific licensed harvester to harvest kangaroos on that property
Operate a mobile chiller on private property	Landholder consent to operate the mobile chiller is required from the landholder of the property
Register a chiller owned by another person	If a chiller being registered is owned by another person then the consent of the owner is required for the licensee to register that chiller

## 5. Statutory matters relevant to deciding whether to grant a licence

When determining whether to grant a licence, the Biodiversity Conservation Regulation 2017 provides details of matters that may be taken into account in determining the application (Clause 2.26).

### 5.1 Fit and proper person test

Clause 2.27 of the Biodiversity Conservation Regulation 2017 provides that a person is not eligible to hold a licence unless the delegate is satisfied the person is a fit and proper person to hold the licence. Considerations as to whether someone is a fit and proper person include whether the applicant:

- or a company the applicant was a director of, or concerned in the management of, has previously contravened any relevant legislation
- is of good repute, having regard to character, honesty and integrity
- is a partner or associate of a person that the delegate considers is not a fit and proper person
- has the technical competencies required to undertake the activities authorised by the licence.

### 5.2 Licence application form

A licence application needs to be made in the form approved by the department and include the information required by the department.

### 5.3 Licence fees

Licence fees include an application fee and a person registration fee. The total licence fee for a licence must be paid at the time of lodging the licence application.

### 5.4 Additional information

The department can require the applicant to provide additional information to determine the application.

### 5.5 Time to determine a licence application (deemed refusal)

#### Maximum approval time

Once properly made, the application for a licence must be decided by the department within 28 days. The delegate may, in accordance with the regulation, extend the assessment time to 56 days. The delegate must notify the applicant if the assessment timeframe is extended.

#### Stop the clock provisions

If the department requires additional information from the applicant, the clock can be stopped. The clock starts again when the information requested has been received.

## Deemed refusal

An application for a licence that has not been determined is taken to have been refused if either:

- after the expiration of the 28 day (or 56 day) period within which the department is required to determine the application
- after 90 days from when the application was made, whichever is the latter.

If the application is deemed to be refused, the delegate may still determine whether or not to grant the licence.

## 5.6 Right of appeal of licensing decision

The applicant can appeal a decision of the department concerning a licence within 28 days of receiving notice of the decision or within 28 days of the deemed refusal of the application.

## 5.7 Licence conditions

The licence can include conditions relating to the humane treatment of animals, registering premises where the harvesting or dealing is to occur and/or chillers are located, tagging kangaroos, record keeping and any other matter that the Environment Agency Head considers appropriate in the circumstances.

The licence can require compliance with a management plan made or adopted under clause 2.31 of the Biodiversity Conservation Regulation 2017.



## 6. Professional kangaroo harvesters' licence

This licence permits the licence holder to harvest kangaroos and sell the carcasses in accordance with licence conditions and the *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes*.

### 6.1 Prerequisites to be granted a kangaroo harvester licence

To be granted a kangaroo harvester licence an applicant:

- should hold a valid driver's licence\*
- must hold a valid NSW Category B Firearms licence (or the equivalent firearms licence in the applicant's state of residence)
- must hold a current Firearms Accreditation to use firearms to harvest wild game and kangaroos obtained by successfully completing the accreditation course (AMPGAM303 – Use firearms to safely and humanely harvest wild game) provided by a Registered Training Organisation authorised to deliver that training – 'Registered Training Organisation' has the same meaning as in the *National Vocational Education and Training Regulator Act 2011* (Cth)
- must have successfully completed and obtained the Statement of Attainment 900-81367V01 – Game Harvester Skill Set (a requirement of NSW Food Authority to meet food hygiene standards)
- must provide a passport-type photograph of themselves for the Harvester Identification Card
- must be considered to be a fit and proper person.

\*Note: There may be rare situations where a harvester licence may be issued when the applicant does not hold a driver's licence.

### 6.2 Harvester knowledge course and assessment

New kangaroo harvester licence holders are required to successfully complete a harvester licence knowledge course and assessment within one month of being granted a licence. If not completed in the required timeframe, the licence may be suspended until the course is successfully completed.

Existing kangaroo harvester licence holders will be required to complete the course before being granted a licence in 2025.

Kangaroo harvester licence holders may be required to complete the knowledge course and assessment if they breach the conditions on their licence. Additionally, if a licence is suspended or cancelled, the licence holder may be required to complete the knowledge course and assessment to have their harvester licence reinstated.

## 7. Animal Dealer (Kangaroo) or Animal Dealer (Kangaroo Skin) licence

An Animal Dealer (Kangaroo) licence permits the licence holder to buy, sell, import (from other states and territories), export (from New South Wales to other states and territories) and process kangaroo **carcasses and skins**.

An Animal Dealer (Kangaroo Skin) licence permits the licence holder to buy, sell, import (from other states and territories), export (from New South Wales to other states and territories) and process kangaroo **skins** only.

All kangaroo products that are to be exported from Australia are subject to the requirements of the relevant Commonwealth departments and their legislation.

### 7.1 Requirements to be granted a kangaroo or kangaroo skin dealers' licence

To obtain a kangaroo or kangaroo skin dealers' licence, an applicant must:

- apply for the licence and pay the applicable fee
- provide relevant details, including contact details and ABN
- be considered to be a fit and proper person
- register any chiller premises the applicant plans to operate
- apply to the NSW Food Authority to have the applicant's processing facilities inspected and approved

## 8. Licence holders registering static and mobile chillers

Carcasses must be consigned and stored in a New South Wales registered static or mobile chiller that is located in New South Wales at the time the carcasses are placed into the chiller.

Both static and mobile chillers need to be registered by a licensed Professional Kangaroo Harvester or a licensed Animal Dealer (Kangaroo).

The licence holder must comply with licence conditions pertaining to the registered chiller.

Where a static chiller is moved to a new location (different parcel of land) the chiller registration will be cancelled, and the chiller will be reregistered (new registration number) at the new site. In this circumstance, the department may waive the registration fee. For example, the department may waive the registration fee if a chiller premises moves only a short distance and the chiller manager remains the same.

A Landholder Kangaroo Harvester licence holder is not permitted to register a static or mobile chiller.

### 8.1 Static chillers

For static chillers, the application must include accurate GPS coordinates of where the chiller will be located.

### 8.2 Mobile chillers

For mobile chillers, the licence holder is required to obtain written permission from the landholder of any privately owned land to operate the chiller on that land and for authorised officers to enter the property to inspect the chiller at all times.

A mobile chiller must be a registered vehicle under the *NSW Road Transport Act 2013* or a corresponding law of any other state or territory.

The licence holder must install, use and maintain a GPS tracking device, that has been supplied by the department, on the mobile chiller.

## 9. Landholder consent

The professional kangaroo harvester licence holder requires the landholder's written consent before harvesting kangaroos on a property. The landholder's consent must be submitted to the department by the licence holder, assessed by the department and added to the harvester's licence before the commencement of any harvesting on the landholder's property.

### 9.1 Who is the landholder?

Where the department does not have a record of the landholder for a property, the licence holder must provide to the department a copy of relevant documents that verify the ownership and size of the property. While a Local Land Service rates notice is preferred, documents such as a local council rates notice or a title search may be used to verify who owns the property.

## 10. Breaches of licence or other relevant laws that may result in the suspension or cancellation of a licence

The delegate may, by notice, suspend or cancel a licence for any reason the delegate thinks appropriate. The delegate must act reasonably and demonstrate natural justice and procedural fairness are afforded to the licence holder when deciding such matters.

In accordance with the department's compliance policy and the prosecution guidelines, the department takes an escalating approach will vary depending upon the type of breach, the circumstances of the breach, its severity and whether the breach is an isolated event or part of a pattern of non-compliances. For example, a minor isolated breach may result in a warning letter, a more severe breach or series of breaches may result in a licence being suspended or cancelled and the licence holder being prosecuted.

The following matters will be considered by the department when considering whether a licence should be suspended or cancelled:

1. loss, revocation, suspension or expiry of the licence holders' licence to possess and use a Category B firearm in New South Wales (or its equivalent in other states or territories)
2. expiry of firearm accreditation
3. a finding of animal cruelty against the licence holder in New South Wales or elsewhere
4. breaches of the *Biodiversity Conservation Act 2016*, the Biodiversity Conservation Regulation 2017 or other relevant legislation
5. significant and/or repeated breaches of licence conditions
6. failing to cooperate with the department or its officers as required by the licence conditions or the *Biodiversity Conservation Act 2016* and Biodiversity Conservation Regulation 2017
7. any other matters relevant to the particular circumstances.

There may also be a partial or conditional suspension of a licence. For example, where a licence holder is late in completing returns or returning expired tags to the department, certain functions or entitlements relating to ordering new tags, registering chiller premises, or renewing a licence may be suspended until the licence holder rectifies these issues.

### 10.1 Suspension or cancellation of chiller premises

A chiller registration may be cancelled or suspended if the licence holder contravenes the *Biodiversity Conservation Act 2016*, the Biodiversity Conservation Regulation 2017, the licence holder's professional kangaroo harvester licence, another statutory instrument made under the *Biodiversity Conservation Act 2016* or if the delegate forms the opinion that the licence holder is no longer a fit and proper person.

A chiller registration may also be cancelled or suspended where returns are not submitted accurately and/or on time, where other administrative matters are not completed as required or where more serious breaches of licence conditions are suspected.



## 10.2 Examples of significant breaches that may warrant a licence being suspended or cancelled

The following are examples of situations that may warrant a licence being suspended or cancelled. This list is not exhaustive:

- breach of the National Code of Practice for the Humane Harvesting of Kangaroos and Wallabies for Commercial Purposes where the action is likely to have caused undue pain or suffering to a kangaroo
- harvesting kangaroos without a firearms licence
- harvesting kangaroos on a property without the consent of the landholder
- harvesting kangaroos on a property that does not appear on the harvester's licence
- multiple body shot carcasses identified at chillers, processing plants, during vehicle inspections or through other methods
- more than 10 under-weight carcasses in total that have occurred on 3 or more occasions
- giving or selling carcass tags to other licensed or unlicensed harvesters
- possession of 2 or more untagged kangaroo carcasses
- storing kangaroo carcasses at an unregistered chiller
- failing to submit returns on time after 2 or more warnings for similar past failures
- exporting kangaroo carcasses to another state without a dealer's licence
- buying kangaroo carcasses without a dealer licence
- the use of the commercial carcass tags after they have expired, on 2 or more occasions, in any 24-month period
- tampering with or misusing commercial carcass tags
- putting the wrong species tag on a harvested kangaroo on 2 more occasions in any 24-month period
- failing to notify the department of changes of address or contact details
- failing to notify the department of loss of firearms licence
- any other breaches of licence conditions or relevant statutory provisions considered by the department to be significant
- combination of breaches that are individually less significant than those referred to above but when combined together, they illustrate a more significant level of non-compliance.

The department will not refund licence fees if a licence is suspended or cancelled.

## 10.3 When the department considers there has been a breach

When the department considers there has been a breach that may warrant a suspension or a cancellation of a licence, the department may send a 'Show Cause' letter to the licence holder, to provide the licence holder with an opportunity to respond to the claim and to provide any explanation of the circumstances or reason as to why their licence should not be suspended or cancelled.

The 'Show Cause' letter will be sent by email unless the licence holder does not have an email address, in which case it will be sent registered post or through some other verifiable means to the licence holder.

The licence holder will be given 14 days to respond to the 'Show Cause' letter. If no response is received, the delegate may decide to suspend or cancel the licence without input from the licence holder.

The delegate will consider all matters raised in the response to the 'Show Cause' letter before making a decision as to whether the licence should be suspended or cancelled. After the response to the 'Show Cause' letter is received, the delegate may require further information from the licence holder before making a decision.

Where the department receives written notification from NSW Police or the licence holder that the firearms licence has been suspended or cancelled the kangaroo harvester licence will be suspended or cancelled without the 'Show Cause' process.

## 11. Assessment of whether the licence holder is a fit and proper person

When assessing a licence application, the department will consider whether the applicant is a fit and proper person based on the information provided in the licence application and the department's records. As police checks are required of a person that holds and maintains a Category B firearms licence, this will be an important factor in the delegate forming an opinion on whether the applicant is a fit and proper person.

If after a licence has been issued and the applicant is found to have breached the licence, a relevant law, or the delegate becomes aware of other relevant matters that suggests that the licence holder is not a fit and proper person, the delegate may suspend or cancel the licence. The delegate will send a 'Show Cause' letter (as described above) to the licence holder before making a decision.

## 12. Appeals

The department must provide a written statement of reasons for a licensing decision relating to a refusal to grant, a decision to grant or a decision to vary, suspend or cancel a licence, if the applicant or holder of the licence makes a written request for a statement of reasons.

An applicant for a licence or a licence holder can appeal a decision by the delegate to refuse to grant, to grant, to vary, suspend or cancel a licence.

The applicant or licence holder has 28 days, from the time they are notified of the decision regarding the licence, to appeal that decision or 28 days from when the licence application was deemed to be refused.

An appeal in itself does not stop the decision being made by the delegate. The court can, however, decide to stop the delegate's decision until it deals with the appeal.

## 13. More information

- [Biodiversity Conservation Act 2016](#)
- [Biodiversity Conservation Regulation 2017](#)
- [Wildlife Trade Management Plan for the Commercial Harvest of Kangaroos in New South Wales 2022-26](#)



## Appendix A: 2023 licensing year application and registration fees

**Table 4 Registration fees**

Item	Full year fees			Half year fees (on or after 1 July 2023)		
	Application fee	Person registration fee	Total licence fee	Application fee	Person registration fee	Total licence fee
Professional Kangaroo Harvester Licence	\$150	<b>\$744.00</b>	\$894	\$150	\$297.00	<b>\$447</b>
Landholder Kangaroo Harvester Licence	\$150	<b>\$73.00</b>	\$223	<b>Whole year licence only</b>		
Animal Dealer (Kangaroo) Licence	\$300	<b>\$5,271.00</b>	\$5,571	\$300	\$2,485.50	<b>\$2,785.50</b>
Animal Dealer (Kangaroo Skin) Licence	\$300	<b>\$1,706.00</b>	\$2,006	\$300	\$703.00	<b>\$1,003</b>
Registration of chiller premises	\$390/premises			\$195/premises		
Registration of mobile chiller	\$390/premises			\$195/premises		
Registration of premises (skin dealer)	\$281/premises			\$140.50/premises		
Commercial tags	\$1.17 per tag (\$58.50 per 50)			\$1.17 per tag (\$58.50 per 50)		