

How are Australian Birds Protected by Law?

There are many laws in Australia that protect Australian birds. It is against the law to mistreat or neglect animals in Australia. The laws preventing cruelty to animals are for both domestic and wild animals. Some laws specifically prevent wild birds from being harmed or killed (including destroying nests and eggs). There are also strict laws about hunting in the wild and it is generally forbidden to kill animals in domestic homes.

Other laws control activities that might have a short or long term impact on the food sources, nesting habitats and places where birds live as well as directly protecting the birds themselves. There are laws that focus on particular bird species or groups of birds (e.g. China – Australia Migratory Bird Agreement) as well as many laws that protect birds that are threatened with extinction (threatened or endangered species and even specific rare populations or colonies of birds (e.g. Little Penguin Colony in Manly in New South Wales).

Most wildlife protection laws and threatened species laws are predominately governed by the States and Territories. The following laws listed below (current in 2010) help to protect birds and their habitats throughout Australia:

For more information about how birds are protected in your local area you can contact local government or the environment department in your state.

For more information about killing birds see:

RSPCA Fact Sheet on Control of Indian Mynas <http://kb.rspca.org.au/afile/140/6/>

Commonwealth Laws

The Australia Government's primary piece of environmental legislation is the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act). The EPBC Act relates to the protection of the environment and the conservation of biodiversity. The Act provides a legal framework to protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places—defined in the EPBC Act as matters of national environmental significance.

Other national legislation may pertain to birds in certain areas, including for example the Antarctic Marine Living Resources Conservation Act 1981, an Act relating to the conservation of marine living resources of the Antarctic and its surrounding seas.



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■ Australian Capital Territory

The ACT's Nature Conservation Act 1980 provides for the protection and conservation of native animals and plants, and for the reservation of areas for those purposes. The Planning and Development Act 2007 also requires assessment of development proposals that may adversely impact on the status of protected species.

■ New South Wales

The National Parks and Wildlife Act 1974 consolidates the laws relating to the establishment, preservation and management of national parks, historic sites and certain other areas and the protection of certain fauna, native plants and Aboriginal objects in NSW. The Environmental Planning and Assessment Act 1979 institutes a system of environmental planning and assessment, and the Native Vegetation Act 2003 relates to the sustainable management and conservation of native vegetation across the State.

■ Northern Territory

The Territory Parks and Wildlife Conservation Act provides for the establishment of Parks and Reserves and the study, protection, conservation and sustainable utilisation of wildlife.

■ Queensland

Queensland's Nature Conservation Act 1992, in particular the Nature Conservation (Wildlife) Regulation 2006 provides for the conservation of nature.

■ South Australia

In South Australia, wildlife and threatened species are protected under the National Parks and Wildlife Act 1972. The Act allows for the protection of habitat and wildlife through the establishment of parks and reserves and provides for the use of wildlife through a system of permits. The Native Vegetation Act 1991 provides incentives to retain and encourage management of South Australia's remaining native vegetation.

■ Tasmania

Tasmania's Nature Conservation Act 2002 provides for the conservation and protection of the State's flora, fauna and geological diversity. The Threatened Species Protection Act 1995 provides for the protection and management of threatened native flora and fauna and to enable and promote the conservation of native flora and fauna.

■ Victoria

The Flora and Fauna Guarantee Act 1988 is the key piece of Victorian legislation for the conservation of threatened species and communities and for the management of potentially threatening processes. The Wildlife Act 1975 also promotes the protection, conservation and sustainable use of wildlife.

■ Western Australia

The Wildlife Conservation Act 1950 provides for the conservation and protection of wildlife. The use, protection and management of certain public lands, waters, flora and fauna is dealt with by the Conservation and Land Management Act 1984.

