



## Fox legislation in Australia

Current fox management strategies and techniques are governed or affected by various Commonwealth, state and territory laws.

### Fox predation as a key threatening process:

The Australian Government (under the *Environmental Protection and Biodiversity Conservation Act 1999*) and some state governments (New South Wales, Victoria) have proclaimed fox predation as a key threatening process. This has implications for the Commonwealth and relevant state conservation agencies that must each prepare and implement a fox threat abatement plan (TAP) across their jurisdiction. The proclamation does not affect the legal obligations of private landholders.

“ There are problems associated with the legal declaration of foxes as pest animals if it is not enforced ”

**Fox management legislation:** Fox management on private and public lands other than those controlled by conservation agencies are governed by various state and territory legislation, listed below.

**Australian Capital Territory:** Foxes are a declared pest under the *Pest Plant and Animal Act 2005* and must be managed according to a developed pest management plan. It is an offence to keep, supply or release foxes.



Image: Paul Meek

**New South Wales:** As foxes are not a declared pest under the *Rural Lands Protection Act 1998*, there is no legal obligation for land managers to control them. Foxes may be kept in captivity, but it is an offence under the *National Parks and Wildlife Act 1974* to release them. Foxes are listed as a game animal under the *Game and Feral Animal Control Act 2002* and regulated hunting of foxes is permitted on some public lands.

**Northern Territory:** Foxes are a declared feral animal under the *Territory Parks and Wildlife Conservation Act 1998*, but they need only be controlled in declared pest control areas. No areas are currently declared. It is an offence to release foxes.

**Queensland:** Foxes are a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*. Land managers must take reasonable steps to keep their land free of foxes. It is an offence to feed, keep, introduce, release or supply foxes without a declared pest permit.

**South Australia:** Under the *Natural Resources Management Act 2004*, foxes are a declared animal and must remain controlled on all lands. It is an offence to keep, move, sell or release foxes.



Image: Steven Lapidge

**Tasmania:** Foxes are declared vermin under the *Vermin Control Act 2000* and restricted animals under the *Nature Conservation Act 2002*. Landholders may be required to 'suppress and destroy' any fox found on their property. It is an offence to import, keep, carry or release foxes. The *Animal Health Act 1995* restricts the importation of fox carcasses, faeces, salted, dried, frozen or untanned skins and any untanned fox parts including tails.

**Victoria:** Foxes are a declared established pest animal under the *Catchment and Land Protection Act 1994*. Land owners (public and private) must take all reasonable steps to prevent the spread of foxes, and eradicate them where possible. It is an offence to bring foxes into Victoria, or keep, sell or release them without a permit.

**Western Australia:** Foxes are a declared pest under the *Agriculture and Related Resources Protection Act 1976*. However, this Act will soon be superseded by the *Biosecurity and Agriculture Management Act 2007*. All land managers (public and private) must make reasonable endeavours to reduce and control foxes. It is an offence to release foxes.

#### Implications of fox management legislation:

There are problems associated with the legal declaration of foxes as pest animals if it is not enforced. In those states where foxes are declared, enforcement is uncommon, leaving fox management in Australia largely a voluntary activity. Problems include:

- Criteria for assessment – foxes are cryptic animals and extremely difficult to count.

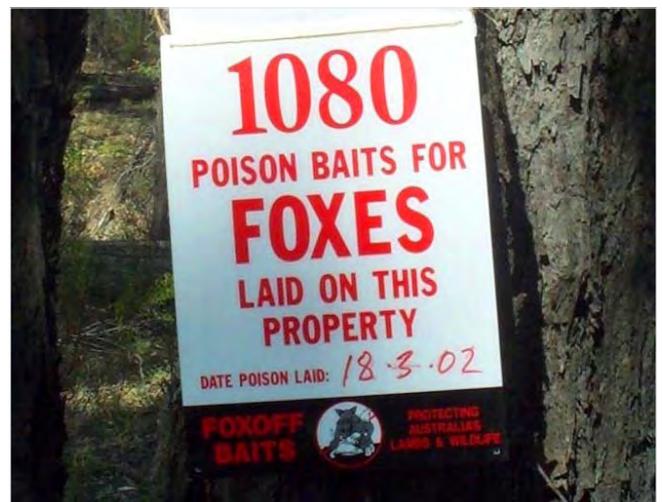
How do you assess that a particular area of land officially has a fox 'problem', and what level of impact is regarded as problematic?

- Fox ecology – foxes are highly mobile and can rapidly move into new areas. So who has ownership of the pest problem?
- Control techniques – 1080 baiting is the only practical broadscale and cost-efficient fox control technique, but is restricted in its use and appeal. Shooting has been shown to be less effective at a landscape scale, and trapping is limited to small areas.

**Fox control techniques:** Each fox control technique is governed by legislation within each state or territory. Each technique is also generally covered by a code of practice, written in accordance with animal welfare legislation.

**Pesticide use:** All pesticides possessed, sold, supplied or intended for use in Australia must be registered. The Australian Pesticides and Veterinary Medicines Authority (APVMA), which administers the *Agricultural and Veterinary Chemicals Code Act 1994*, is responsible for registering pesticides and issuing permits for off-label use. An off-label permit may be issued to use a pesticide contrary to its registered use, or to use an unregistered pesticide.

**1080:** The most common toxicant used against foxes is 1080, a restricted chemical and a Schedule 7 poison. 1080 requires special precautions in manufacture, handling, storage and use, and has special regulations regarding labelling and availability.



**Table 1. Legislation controlling the supply and use of 1080 in Australia**

State/territory	Act(s) controlling the supply and use of 1080
Australian Capital Territory	<i>Environmental Protection Act 1997</i> <i>Medicines, Poisons and Therapeutic Goods Act 2008</i>
New South Wales	<i>Pesticides Act 1999</i>
Northern Territory	<i>Agriculture and Veterinary Chemical (Control of Use) Act 2004</i>
Queensland	<i>Health Act 1937 &amp; Health (Drugs &amp; Poisons) Regulations 1996</i>
South Australia	<i>Controlled Substances Act 1984</i>
Tasmania	<i>Poisons Act 1971</i> <i>Agricultural and Veterinary Chemical (Control of Use) Act 1995</i> <i>Police Offences Act 1935</i> <i>Animal Welfare Act 1993</i>
Victoria	<i>Agricultural and Veterinary Chemicals (Control of Use) Act 1992</i> <i>Drugs, Poisons and Controlled Substances Act 1981</i>
Western Australia	<i>Poisons Act 1964 and Poisons Regulations 1965</i> <i>Poisons (Section 24) (Registered Pesticide 1080) Notice 2000</i> <i>Health Act 1911 &amp; Health (Pesticides) Regulations 1956</i>

Each state has its own legislation controlling the supply and use of 1080 (Table 1). However, there are many similarities, such as the requirement that only authorised personnel can prepare and supply 1080 baits to land managers who must comply with a range of conditions (chemical use training, bait application, distance restrictions, notifications of neighbours and display of warning signs).

**Other toxins:**

- Para-aminopropiophenone (PAPP) is being investigated as an alternate fox toxin, but is not yet registered for general use in Australia.
- Strychnine has been phased out in most states, although it can still be used on traps in Queensland, if they cannot be checked daily.
- Cyanide is not a registered vertebrate pesticide in any state in Australia, but limited-use permits may be obtained for research purposes.

**Trapping:** The trapping of foxes is governed by animal welfare legislation in each state and territory. Steel-jaw leg-hold traps (toothed and/or without padding) are prohibited for foxes across Australia, although

some states allow modified and padded (soft-jaw) leg-hold traps to be used (Table 2).

**Shooting:** Landowners are permitted to hunt and kill foxes on their own land. A recreational shooter needs to get permission from the landowner before shooting on private lands. Shooting on most public lands is prohibited. In New South Wales, foxes are listed as a game animal under the Game and Feral Animal Control Act 2002 and regulated hunting is permitted on designated public lands.

The general use of firearms is covered under individual state legislation. A code of practice for fox shooting has been approved by the federal and state governments. Animal welfare legislation may apply if foxes are not shot as humanely as possible.

**Hunting with dogs:** Dogs may be used to flush a fox out from cover so it can be shot. This use of dogs is governed by a state or territory’s animal welfare legislation. In Victoria and New South Wales, fox hunters who use hounds and horses must be members of approved hunting organisations.

**Table 2. Legislation controlling trapping of foxes Australia**

State/territory	Act/regulation	Permitted traps
Australian Capital Territory	<i>Animal Welfare Act 1992</i>	soft-jaw and cage traps permitted, snares permitted but not recommended
New South Wales	<i>Prevention of Cruelty to Animals Act 1979</i>	soft-jaw and cage traps permitted, snares prohibited
Northern Territory	<i>Animal Welfare Act 1999</i>	soft-jaw traps and snares permitted
Queensland	<i>Animal Care and Protection Act 2001</i>	soft-jaw and cage traps permitted, snares permitted but not recommended
South Australia	<i>Animal Welfare Act 1985</i>	soft-jaw and cage traps permitted
Tasmania	<i>Animal Welfare Act 1993</i>	cage traps permitted, ministerial approval required for soft-jaw traps and snares
Victoria	<i>Prevention of Cruelty to Animals Act 1986 and Regulations 2008</i>	soft-jawed and confinement traps permitted, ministerial approval required for non-kill snares
Western Australia	<i>Animal Welfare Act 2002</i>	soft-jawed and cage traps permitted*

\*A permit is required to trap in certain municipalities listed under the *Agriculture and Related Resources Protection (Traps) Regulations 1982*

The only hounds permitted to be used for this purpose are 'foxhounds' identified with a legible ear tattoo and registered with a hunting organisation approved by the Bureau of Animal Welfare. Foxes hunted using foxhounds and horses should not be headed or deliberately diverted for the purpose of prolonging the hunt. Once a fox has gone to ground it should not be pursued again on that hunt. A humane means of killing the animal must be available if it is needed.

#### Further information:

1. Saunders G and McLeod L (2007). *Improving Fox Management Strategies in Australia*. Australian Government Publishing Service, Canberra.
2. Sharp T and Saunders G (2005). *Model Code of Practice for the Humane Control of Foxes*. NSW Department of Primary Industries, Orange, NSW.
3. Sharp T and Saunders G (2005). *Standard Operating Procedure - Ground Baiting of Foxes with 1080 (FOX 001)*. NSW Department of Primary Industries, Orange, NSW.
4. Sharp T and Saunders G (2005). *Standard Operating Procedure - Ground Shooting of Foxes (FOX 003)*. NSW Department of Primary Industries, Orange.
5. Sharp T and Saunders G (2005). *Standard Operating Procedure - Trapping of Foxes Using Padded-Jaw Traps (FOX 005)*. NSW Department of Primary Industries, Orange.