

# Operational policy

## Wildlife (Animals)

### Take, keep or use of a dead stranded marine mammal

*Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of Environment, Science and Innovation (the department). Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.*

#### Policy subject

The taking, keeping or use of a dead stranded marine mammal may be authorised under the Nature Conservation (Animals) Regulation 2020 (the Animals Regulation).

#### Purpose

This operational policy provides clarification on matters the chief executive must give consideration to when deciding to authorise a person to take, keep or use a dead stranded marine mammal to carry out scientific research. The chief executive may also have regard to any other matters the chief executive considers relevant in the circumstances.

#### Background

Section 317 of the Animals Regulation allows the chief executive to authorise in writing:

- (a) A person to take, keep or use a stranded marine mammal that is dead or dies, to carry out scientific research; or
- (b) A State museum to take, keep or use a stranded marine mammal that is dead, for the museum's research.

Section 33 of the Animals Regulation allows the chief executive to give a dead marine mammal to:

- (a) A Traditional Owner for the land or waters from which the mammal was taken or on or in which the mammal was found; or
- (b) A person nominated by a person mentioned in paragraph (a).

#### Definitions

**Marine mammal** means a dolphin, dugong or whale.

**Representative Aboriginal/Torres Strait Islander body** has the meaning given by the *Native Title Act 1993* (Cwlth).

**Stranded**, for a marine mammal, means the mammal is aground on a shore, or in a helpless state, or sick, injured or dead.

**Scientific research** means the research is relevant to the conservation of marine mammals (including, for example, by enhancing the scientific knowledge of marine mammals) and is:

- carried out by a tertiary institution or other institution administered by the Commonwealth or a State, or
- carried out by an entity that is involved in scientific research.

**Traditional Owner**, for land or waters, means a person of Aboriginal or Torres Strait Islander descent who:

- is recognised in the Aboriginal or Torres Strait Islander community generally, or by a representative Aboriginal/Torres Strait Islander body for an area that includes the land or waters:
  - as having spiritual or cultural affiliations with the land or waters; or
  - as holding native title in relation to the land or waters; and
- is entitled to undertake activities under Aboriginal tradition or Island custom on the land or in the waters.

## Policy statement

In the situation where a stranded marine mammal is dead or dies, under section 317 of the Animals Regulation the chief executive may, in writing, authorise the taking, keeping or use of the animal. Animals may be taken, kept or used as mentioned in the written authority.

A written authorisation may be granted for a period of up to five years for consistency with the maximum term of a museum licence or a scientific purposes permit. The written authority would allow a person or a State museum to take, keep or use a dead stranded marine mammal for scientific research or the museum's research, without having to obtain a written approval for every instance, provided the animal was offered to them by the chief executive. In this instance, the offer may be verbal.

A State museum should be given the opportunity to take, keep or use the animal in the first instance where practicable.

If an offer is not accepted by a State museum, the chief executive may offer the animal to a person wanting to take, keep or use the animal to carry out scientific research, provided the chief executive is reasonably satisfied the person is a suitable person.

When considering the suitability of the person, the chief executive may have regard to any matter relevant to the person's ability to carry out the scientific research in a competent and ethical way.

A person is not a suitable person if the person would not be considered a suitable person to hold a wildlife authority (see sections 238 and 239 of the Animals Regulation).

If a stranded marine mammal is dead, the relevant Traditional Owner should be consulted. Under section 33 of the Animals Regulation, the chief executive may give a dead marine mammal to a traditional owner for the land or waters from which the mammal was on, in, taken or found. The animal may be kept or used for the personal, domestic or non-commercial communal needs of a community or group of Aboriginal people or Torres Strait Islanders.

Should there be interest in an animal by more than one stakeholder, for example a State museum and Traditional Owners, a decision about who should be offered the animal should be made on a case by case basis.

Note. The decision to authorise the taking, keeping or use of a dead stranded marine mammal is delegated to Level 4 and can be arranged at a local level. Therefore requests for a written authority for the taking, keeping or use of a dead stranded marine mammal can be directed to wildlife officers in the local department regional office (see *Appendix 1* for appropriate wording for a written authority).

## Authorities

*Nature Conservation Act 1992*

Nature Conservation (Animals) Regulation 2020

**Human Rights Act 2019 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 operational policy, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

**Disclaimer**

While this document has been prepared with care it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment, Science and Innovation should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

**Approved By**

Ben Klaassen

Signature

30/11/2023

Date

Deputy Director-General  
Queensland Parks and Wildlife Service &  
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**Enquiries:**  
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## Appendix 1

### Department authority

*This wording can be used when issuing an authority that allows a person or a State museum to take, keep or use a dead stranded marine mammal for scientific research or the museum's research. The wording may be adapted to suit particular circumstances.*

Under section 317 of the Nature Conservation (Animals) Regulation 2020 <a person/a State museum> with written authority is allowed to take, keep or use a stranded marine mammal that is dead or dies, to carry out <scientific research/the museum's research>.

I therefore authorise <name> of <organisation/a State museum> to take, keep or use a dead stranded marine mammal for the purposes of <scientific research/the museum's research> and draw your attention to the following advisory information:

It is your responsibility to:

- a) adopt all safe work practices for staff and/or volunteers and take all available precautions while working on dead marine mammals
- b) make wildlife rescuers, researchers, onlookers and others aware that marine mammals can transmit infectious agents to people. This includes contact and airborne transmission
- c) ensure handlers are aware of disease risks and take common sense measures to reduce the likelihood of infection. Marine mammals harbour a variety of bacteria, fungi and viruses, including organisms that can cause diseases in humans (zoonosis), although examples of transmission of disease from live marine mammals or carcasses are rare
- d) take precautions regarding the transport of potentially infectious materials. Infectious materials must be safely transported. There are infection risks to people travelling in the rescue vehicle and also to any onlookers from biological material in fluids or vaporised in the air. As it is not always possible to determine if a material is infectious, precautions are needed for all animals and samples transported by road, rail or air
- e) report any findings that could influence future management prescriptions or relate to possible compliance matters (e.g. evidence of human intervention leading to unlawful cause of death).

Should you have any enquiries, please contact <name>, <position>, Wildlife and Threatened Species Operations, Department of Environment, Science and Innovation on <contact telephone number>.

**Put the term of the authority here. For the term of the authority please choose one of the following options:**

1. This authority expires when a State museum's current licence expires.
2. This authority is valid for the following period only <date> to <date>.
3. This authority is valid for the dead stranded marine mammal located at <specify location> for the following period only <date> to <date>.

**Please make sure the authority is signed and dated. The authority should be printed on department letterhead.**