

Operational policy

Wildlife (Animals)

Issue of lethal damage mitigation permit approvals for birds on airports

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 This policy outlines the considerations and standard conditions to be applied when issuing lethal damage mitigation permits for birds, eggs or nests for airports.

Purpose

This operational policy provides standard conditions and issuing considerations for lethal take of birds on airports. Lethal permits are issued routinely for birds and egg removal and can also include nest removal. Standard conditions will ensure consistency across the state and will allow airport managers certainty in management arrangements. Licences can also be written in a way that will maximise the flexibility that airport managers can employ but will maintain regulatory defensibility and reporting requirements.

Background

A lethal damage mitigation permit can be issued under section 161 of the Nature Conservation (Animals) Regulation 2020 (the Animals Regulation).

These permits are issued on the basis that a particular species of wildlife is causing damage or loss or posing a risk to human health or well-being. Applicants are required to provide adequate evidence of the damage or loss or risk to human health or well-being that is being caused by the wildlife.

Exempt Airports

Note: Under section 41 and 42 of the Animals Regulation, strategic airports, as defined under a State planning policy, do not require a DMP to cull, disturb or interfere with animals. The operators of these airports are able to carry out lethal take without any approval, provided the take is consistent with the criteria set out in section 42.

A list of strategic airports is provided in [table 2 of the State Planning Policy](#).

Non-Strategic Airports

In the case of airports, the reason for the applications is primarily to reduce the risk of a bird strike from impacting on aircraft with possible catastrophic implications.

Thus, these permit application types are always approved, and flexibility is required for airport managers to be able to manage the risk on a day-to-day basis with minimal administrative waiting times.

In assessing an application, the delegate is required to satisfy themselves of the following:

Under Section 163 a damage mitigation permit (DMP) may be granted for damage or loss caused by a protected animal only if

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- a. the animal is causing, or may cause, damage; and
- b. the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
- c. if the damage is not prevented or controlled-
 - i. individuals may suffer significant economic loss; or
 - ii. the ecological sustainability of nature is likely to be harmed; and
- d. action under the permit will not adversely affect the survival of the animal in the wild; and
- e. the proposed way of taking the animal is humane.

Under section 165 a DMP may be granted for threat to human health or wellbeing caused by a protected animal only if –

- a. there is, or may be, a threat to a person's health or wellbeing resulting from harm caused by the animal to the person; and
- b. action under the permit will not detrimentally affect the survival of the animal in the wild; and
- c. the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal; and
- d. if the animal is a protected reptile –
 - i. the reptile will be released to the wild; or
 - ii. a conservation plan for the reptile authorises the holder of a damage mitigation permit to keep the reptile under the permit or otherwise.

Section 241 of the Animals Regulation provides that in considering an application the delegate must have regard to each of the following-

- a. whether the chief executive is restricted from granting the authority under chapter 4, parts 3 to 18;
- b. whether the applicant is a suitable person to hold the authority;
- c. the impact the activities proposed to be carried out under the authority may have on the conservation of native wildlife;
- d. the effect the grant of the authority may have on the fair and equitable access to nature, in particular, the ecologically sustainable use of wildlife;
- e. any contribution the applicant proposes to make to the conservation of nature;
- f. any relevant Australian or international code, instrument, protocol or standard or any relevant intergovernmental agreement;
- g. the precautionary principle;
- h. public health and safety;
- i. the public interest;
- j. any recovery plan for an animal to which the authority is proposed to apply.

Definitions

Delegate means the person with the appropriate level of authority to approve the permission given by an authorisation.

Lethal damage mitigation permit means a permit issued under section 161 of the Animals Regulation that allows lethal take of birds and eggs.

Least Concern Wildlife means wildlife indigenous to Australia, other than those species that are extinct in the wild, endangered, vulnerable or near threatened wildlife.

Policy statement

The delegate will issue the permit in the following way:

1. Numbers of animals to be taken including eggs will use the following terminology, “as per the approved Hazard Plan”
 - Hazard plans will clearly distinguish between the activity of taking live birds, and removal of eggs and the non-lethal activity of removing nests.
 - Hazard plans must clearly demonstrate what direct non-lethal control measures will be utilised prior to undertaking lethal take e.g. bird-frite, flares, shoot to scare, canines, sirens, air horns etc.
 - Hazard plans must clearly demonstrate what indirect control measures will be utilised to reduce the presence of birds e.g. elimination of food sources, habitat modification to make airport less desirable to bird species, restrict access to potential foraging, roosting or breeding areas.
2. Standard conditions will include:
 - Activities authorised by this permit are to be undertaken in strict accordance with the approved Hazard Plan (insert title) approved by the department on (insert date).
 - Lethal take of wildlife is by shooting only. Shooters are to ensure the combination of firearm, projectile distance to target and point of aim must result in the instantaneous death of the target animal. If death is not instantaneous, shooters must make every effort to locate wounded or orphaned animals to quickly and humanely cause immediate death.
 - Accurate records of animals shot under this permit must be recorded on the approved return of operations form. These records must be made at the end of each day/night that the animals are taken.
 - Important notes: A Return of Operations form must be sent to the department within 10 business days after each quarter and you must keep a copy for your records. If the Return of Operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the [damage mitigation permits](#) landing page on the departments website <https://environment.des.qld.gov.au>.
3. If egg and nest removal are included:
 - Nests are to be removed in such a manner so as to reduce the risk of incidental injury or death to birds.
 - Subsequent to the initial nest removal process as authorised under this permit, reasonable attempts are to be made to employ and implement non-lethal control measures to prevent the birds from returning and reconstructing nests.
 - Eggs may be destroyed by either oiling or pricking.

Authorities

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

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Date

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