

# Operational policy

Wildlife (Animals)

## Restriction on lethal damage mitigation permit approvals for particular least concern species

*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 a list of species that for conservation reasons are not appropriate to be included on lethal damage mitigation permits.

### Purpose

This operational policy provides a list of least concern wildlife species that are of particular concern due to published/peer reviewed information that shows they are declining in the wild. For this reason, these species are considered inappropriate for lethal damage mitigation take despite their listed status of 'least concern'.

The embargo on any particular species will be subject to a time limit and regular review. This provides maximum operational convenience and allows an embargo to be lifted when climatic and environmental conditions ease.

### 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 economic loss or posing a risk to human health. Applicants are required to provide adequate evidence of the damage or risk to human health that is being cause.

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

Under Section 163 of the Animals Regulation, a damage mitigation permit may be granted for damage or loss caused by a protected animal only if –

- 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-

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- i. persons 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 of the Animals Regulation, a damage mitigation permit may be granted for threat to human health and wellbeing caused by a protected animal only if –

- a) there is, or may be, a threat to a person's health and 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
- d) if the animal is a protected reptile –
  - i. the reptile would be released to the wild; or
  - ii. a conservation plan applying to the reptile would authorise a person who holds the permit to keep the reptile.

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 part 1 or chapter 4, parts 3 to 118;
- 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 wildlife to which the authority is proposed to apply;
- k) for a flying-fox roost management permit in an area (the permit area) outside an urban flying-fox management area—whether the flying-foxes in the permit area are likely to move to, and congregate at, a tree or other place within an urban-flying fox management area, having regard to—
  - (i) the proximity of the permit area to the urban flying-fox management area; and
  - (ii) the direction, from the permit area, of trees or other places suitable for the flying-foxes to move to and congregate at;

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- l) for an animal authority, other than a renewable licence, proposed to commence immediately after an existing animal authority of the same type expires—
  - (i) whether the existing animal authority was obtained on the basis of false or misleading information; and
  - (ii) whether the holder of the existing animal authority, or a relevant person for the holder, has failed to comply with a condition of the existing animal authority;
- m) any other matter stated in a conservation plan as a matter the chief executive must have regard to when considering an application for the authority.

The chief executive may have regard to anything else the chief executive considers appropriate to achieve the object of the Act.

### 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 Nature Conservation (Animals) Regulation 2020.

**Least concern wildlife** – wildlife indigenous to Australia, other than those species that are extinct in the wild, endangered, vulnerable or near threatened wildlife.

### Policy statement

The delegate may not issue a lethal damage mitigation permit for:

1. Little Pied Cormorant - *Microcarbo melanoleucos*.

### Supporting evidence

Personal communication and documentation from Dr John Porter, Centre for Ecosystem Science, University of NSW summarising changes in Little Pied Cormorant abundance and breeding during the survey period 1983-2013.

Departmental review of latest survey data and conservation risk.

### 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

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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  
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