

# Species management program (SMP) for tampering with animal breeding places (Low risk of impacts)

*Note: PDF template requires Adobe Reader DC version*

<b>INSERT NAME OF APPLICANT PERSON OR OTHER LEGAL ENTITY</b>	<b>Note: Limit to 7 lines</b>
<b>INSERT ADDRESS, PHONE NUMBER AND OTHER CONTACT DETAILS OF APPLICANT PERSON OR OTHER LEGAL ENTITY</b>	<b>Note: Limit to 7 lines</b>
<b>NAME OF PROJECT</b>	<b>Note: Limit to 7 lines</b>
<b>INSERT PROJECT Lot/RP, ADDRESS</b>	<b>Note: Limit to 8 lines</b>

Made pursuant to section 335 of the Nature Conservation (Animals) Regulation 2020.

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## 1. SCOPE OF THIS SPECIES MANAGEMENT PROGRAM

Section 335 of the Nature Conservation (Animals) Regulation 2020 (the Animals Regulation) prescribes that a person must not tamper with an animal breeding place unless, amongst other matters, the tampering (including removal of the breeding place but not the animal) is part of an approved species management program for animals of the same species.

On its approval by the chief executive, Department of Environment and Science (DES), this document is recognised as an *approved species management program* for the purposes of section 335 of the Animals Regulation. It applies to activities that propose to or are likely to tamper with animal breeding places with respect to protected animals prescribed as least concern wildlife under the Animals Regulation - **excluding** least concern animals that are colonial breeders or that are listed as special least concern - where the impacts are unlikely to affect broader populations of the species.

This SMP cannot be used for activities that propose to, or are likely to, tamper with animal breeding places for:

- (a) *Protected animals* prescribed as *extinct*, *extinct in the wild*, critically endangered, *endangered*, *vulnerable*, *near threatened*, or a *special least concern animal* under the Animals Regulation; or
- (b) Least concern animals that are *colonial breeders*; or
- (c) Least concern animals where proposed tampering with a breeding place may have impacts on the broader population of that species of animal.

The proposed disturbance of a flying-fox roost (genus *Pteropus*) is dealt with specifically under section 88C of the *Nature Conservation Act 1992* (“the Act”) and section 61 of the Nature Conservation (Animals) Regulation 2020. **Note that this species management program does not authorise a person to destroy or disturb a flying-fox roost or to drive away or attempt to drive away a flying-fox.** DES should be contacted with respect to any proposed activity relating to flying-foxes and flying-fox roosts.

Where approved tampering with a known breeding place of a protected animal would also *take* another species of protected animal, the approved entity is required to obtain a damage mitigation permit under the Act prior to the take occurring.

It should be noted that, when interpreting this species management program, any words present in italics have specific meaning as indicated in ‘key definitions’ in section 6.

## 2. TERMS OF THIS SPECIES MANAGEMENT PROGRAM

2.1 The chief executive’s approval of this species management program is granted to

INSERT ENTITY NAME

and is effective from the date of approval until after which tampering with an animal breeding place is not authorised.

2.2 This SMP does not prevent any reasonable action being taken to safeguard the safety of any person in an emergency situation. In that circumstance and where feasible, the authorised entity should discuss a proposed action with DES. The approved entity will within 48 hours of an action undertaken under this clause notify DES in writing at [wildlife@des.qld.gov.au](mailto:wildlife@des.qld.gov.au).

2.3 On approval of this SMP, the approved entity is only authorised to tamper with an animal breeding place in a manner that is in strict accordance with the conditions

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specified in this document. In default, approval of this SMP may be revoked by the chief executive in accordance with the following process:

- a) DES will give written notice to the approved entity that condition(s) of this document are alleged to have been contravened, and will invite the approved entity to show cause in writing within 20 business days of the date of the notice why the approval should not be revoked; and
- b) if the approved entity does not respond within this period, or after the chief executive considers the response, the chief executive determines that the approval of the SMP should be withdrawn forthwith, DES will give written notice to the approved entity that approval has been withdrawn. Otherwise, the chief executive may require the approved entity to rectify the breach within 20 business days of the date of DES notification; and
- c) if the approved entity fails to rectify the breach within 20 business days of the date of notification by DES, the chief executive may withdraw approval of this SMP.

### **3. CONDITIONS OF APPROVAL OF THIS SPECIES MANAGEMENT PROGRAM**

- 3.1 Approval of this SMP is conditional upon the approved entity maintaining a register of tampering with animal breeding places (“the register”) in accordance with this section. Accurate records of animal breeding places known or suspected to have been tampered with (including destroyed) must be recorded at the end of each day that tampering occurs.
- 3.2 The register must be:
  - a) made available to DES by the approved entity upon DES request; and
  - b) provided to DES at [wildlife@des.qld.gov.au](mailto:wildlife@des.qld.gov.au) by the approved entity annually from the date of commencement of this SMP, and within 10 business days after the expiry of this SMP.
- 3.3 For *construction* projects, prior to commencement of works the approved entity must undertake an assessment to determine the presence or absence of animal breeding places. The assessment must include desktop analysis and a field survey undertaken by a suitably qualified and experienced person. Where breeding places are identified the approved entity must comply with the actions identified within Table 1 and must record details of the animal breeding place in the register.
- 3.4 For *maintenance* activities, an assessment for animal breeding places is not required. However, where new or likely animal breeding places are identified, the approved entity must comply with the actions identified within Table 1 and must record details of the animal breeding place in the register.

**Table 1: Authorised species management actions with respect to animal breeding places**

Species group	Breeding place status	Action
Least concern wildlife – special least concern or colonial breeding <i>Note: This SMP does not authorise tampering for these species.</i>	All	<ul style="list-style-type: none"> <li>Apply for use of SMP – high risk of impact (all protected wildlife, including special least concern animals and colonial breeders).</li> </ul>
Other least concern wildlife	Contains young or eggs	<ul style="list-style-type: none"> <li>Avoidance of unnecessary disturbance; suitable qualified and experienced person removes animal breeding place and eggs and/or young rehabilitated by <i>authorised wildlife carer</i> *; or</li> <li>Eggs destroyed by an authorised person under a damage mitigation permit (last resort).</li> </ul>
	No eggs or young	<ul style="list-style-type: none"> <li>Proceed with caution. Remove breeding place (if applicable).</li> </ul>

\* Where rehabilitation of protected wildlife is required, rehabilitation must be undertaken in accordance with the Code of Practice – Care of Sick, Injured or Orphaned Protected Animals in Queensland.

#### 4. KEY DEFINITIONS

**animal breeding place** means—

A bower, burrow, cave, hollow, nest or other thing that is commonly used by the animal to incubate or rear the animal’s offspring’.

**approved species management program** means—

For a species of animal, means a program about managing impacts to the population and habitat of the species of animal that is approved by the chief executive of DES.

**colonial breeders** means—

A group of animals of the same kind, co-existing in close association for breeding purposes.

**construction** includes-

Each of the following for the infrastructure, to the extent it involves the development of the infrastructure –

- (a) initial construction (including field investigations, relocation of services and surveys);
- (b) improvement of its standard;
- (c) realignment;
- (d) widening; and
- (e) extension to infrastructure or associated assets.

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**endangered wildlife** means –

Native wildlife that is prescribed in the Animals Regulation as endangered wildlife.

**extinct in the wild** means –

Native wildlife that is prescribed in the Animals Regulation as extinct in the wild wildlife.

**keep** in relation to wildlife includes –

Have in possession, or under control, in any place (whether for the use or benefit of the person in relation to whom the term is used or another person), even though another person has the actual possession or custody.

**least concern wildlife** means –

Native wildlife that is prescribed in the Animals Regulation as least concern wildlife.

**authorised wildlife carer** means—

A person qualified to take and keep protected wildlife under a current rehabilitation permit in accordance with the Animals Regulation .

**maintenance** includes—

- (a) rehabilitation; and
- (b) replacement; and
- (c) repair; and
- (d) recurrent servicing; and
- (e) preventative and remedial action; and
- (f) removal; and
- (g) alteration; and
- (h) maintaining systems and services for transport infrastructure.

**native wildlife** means –

Any taxon or species of wildlife indigenous to Australia

**near threatened wildlife** means –

Native wildlife prescribed in the Animals Regulation as near threatened wildlife

**person** includes –

A body of persons, whether incorporated or unincorporated.

**protected animal** means –

An animal that is prescribed under the Act as threatened, near threatened or least concern wildlife, but does not include a processed product.

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**protected wildlife** means native wildlife prescribed under the Act as—

- (a) extinct in the wild wildlife; or
- (b) endangered wildlife; or
- (c) vulnerable wildlife; or
- (d) near threatened wildlife; or
- (e) least concern wildlife.

**special least concern animal** under the Animals Regulation means the following—

- (a) the echidna (*Tachyglossus aculeatus*);
- (b) the platypus (*Ornithorhynchus anatinus*);
- (c) a least concern bird to which any of the following apply—
  - (i) the agreement called ‘Agreement Between the Government of Australia and the Government of Japan for the Protection of Migratory Birds and Birds in Danger of Extinction and their Environment’ and signed at Tokyo on 6 February 1974;
  - (ii) the agreement called ‘Agreement Between the Government of Australia and the Government of the People’s Republic of China for the Protection of Migratory Birds and their Environment’ and signed at Canberra on 20 October 1986;
  - (iii) the convention called ‘Convention on the Conservation of Migratory Species of Wild Animals’ and signed at Bonn on 23 June 1979.

**species management program (SMP) - low risk of impacts** means –

An SMP for tampering with breeding places of protected animals prescribed as Least Concern (**excluding** least concern animals that are colonial breeders or that are prescribed as special least concern) where the impacts are unlikely to affect broader populations.

**species management program (SMP)- high risk of impacts** means –

An SMP for tampering with breeding places of protected animals that are:

- prescribed as extinct in the wild, endangered, vulnerable, near threatened, or special least concern animal under the Wildlife Regulation, or
- least concern animals that are colonial breeders, or
- least concern animals where proposed tampering with a breeding place may have impacts on the broader population of that or another species of protected animal.

An SMP (high risk of impacts) may also include other least concern animals if requested.

**suitably qualified and experienced person** means—

A person with formal qualifications and/or experience in identification of native animals and wildlife ecology. A person is considered to be suitably qualified and experienced if they meet one or more of the following criteria:

- An ecological consultant with experience in conducting surveys for native animal breeding places;
- A person who possesses a degree in natural science or similar with experience in conducting surveys for native animal breeding places;
- A person who is authorised as a *spotter-catcher* under a rehabilitation permit issued under the Act.

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**spotter-catcher** means—

A person authorised under a current rehabilitation permit to take and/or keep a protected animal whose habitat is about to be destroyed by human activity in accordance with the Nature Conservation (Administration) Regulation 2017.

**tamper** means—

damage, destroy, mark, move or dig up an animal breeding place.

**take** includes—

(a) in relation to an animal -

(i) hunt, shoot, wound, kill, skin, poison, net, snare, spear, trap, catch, dredge for, bring ashore or aboard a boat, pursue, lure, injure or harm the animal; or

(ii) attempt to do an act mentioned in subparagraph (i).

**vulnerable wildlife** means –

Native wildlife that is that is prescribed in schedule 3 of the Animals Regulation as vulnerable wildlife.

## 5. DES CONTACTS

All enquiries should be directed to DES at [wildlife@des.qld.gov.au](mailto:wildlife@des.qld.gov.au). The enquiry will be redirected to the relevant office for response.

## APPENDIX 1 – Map or plan of the proposed impact area

Insert a map and/or plan of your proposed impact area, including scale, here.

INSERT DOCUMENT HERE OR REFERENCE TO RELEVANT ATTACHMENT. TO INSERT A FILE INTO THIS PDF, YOU NEED TO USE THE EDIT OBJECT TOOL LOCATED IN THE COMMENT TAB ON THE RIGHT.	<b>Note: Limit to 3 lines</b>
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*To insert a file into this PDF, you need to use the edit object tool located in the comment tab on the right.*

## 6. APPLICANT'S STATEMENT OF INTENT

I

APPLICANT: A PERSON OR OTHER LEGAL ENTITY

accept this species management program offered by the Department of Environment and Science under section 335 of the Nature Conservation (Animals) Regulation 2020, without amendment or alteration and agree to abide by the conditions of approval stated within this document.



## 7. APPLICANT'S DECLARATION

I do solemnly and sincerely declare that the information provided in this document, including any information provided with or in support of this document, is true and correct to the best of my knowledge, and I make this solemn declaration conscientiously believing the same to be true.

I understand that all information supplied in or with this document may be disclosed publicly in accordance with the *Right to Information Act 2009, Native Title (Queensland) Act 1993* and the *Evidence Act 1977*.

APPLICANT'S NAME	
IF THE APPLICANT IS A LEGAL ENTITY, PLEASE INDICATE YOUR POSITION IN THAT ENTITY	
APPLICANT'S SIGNATURE	DATE

*Note: The form will be locked on the applicant's signature and no changes will be possible.*

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## OFFICE USE ONLY

## 8. APPROVAL BY DELEGATE

Delegate Name / Signature

Date

Permissions Management, Department of Environment and Science

**Enquiries:**

[wildlife@des.qld.gov.au](mailto:wildlife@des.qld.gov.au)

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## APPROVED OPERATIONAL DOCUMENTS ATTACHED

[Animal Breeding Place register](#)

<<http://www.DES.qld.gov.au/licences-permits/plants-animals/documents/fm-wl-register-animal-breeding-place.xlsx>>