

Policy for provision of advice by Flora and Fauna Division on permits to Take or Interfere with wildlife

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Acronyms	Full form
DLPE	Department of Lands, Planning and Environment
DTH	Department of Tourism and Hospitality
Minister	The NT Minister responsible for Part IV Division 6 of the TPWC Act
the Act	<i>Territory Parks and Wildlife Conservation Act 1976</i>
Director	The Director within the meaning of the <i>Parks and Wildlife Commission Act 1980</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>

Contents

- 1. Purpose.....1**
- 2. Scope.....1**
- 3. Principles1**
 - 3.1. Wildlife management principles.....2
 - 3.2. Threatened species.....2
 - 3.3. Animal welfare2
 - 3.4. Management programs.....2
 - 3.5. Public safety2
- 4. Permit conditions3**
- 5. Definitions.....3**
- 6. Legislative context4**
- 7. Associated Documents4**
- 8. Review5**

1. Purpose

Permits are required in the Northern Territory under the *Territory Parks and Wildlife Conservation Act 1976* (the Act) to Take or Interfere with wildlife, which includes protected wildlife and wildlife used for commercial purposes. These permits cover a variety of activities including the removal of problem animals (pest mitigation), harvesting wildlife for commercial purposes, research involving wildlife and wildlife surveys. Examples of other commercial purposes include native seed harvesting, native bushfood harvesting (e.g. Kakadu Plum) taking timber for didgeridoos and some tourism activities (e.g. observation of nesting marine turtles).

Wildlife permits in the Northern Territory are managed by the Parks and Wildlife Division within the Department of Tourism and Hospitality (DTH), including the receipt and issue of permits. Further information about wildlife permits is available at [Wildlife permits | NT.GOV.AU](https://www.nt.gov.au/parks-wildlife/permits/).

The Flora and Fauna Division (within the Department of Lands, Planning and Environment) has an expert advisory role and assesses all take or interfere wildlife permit applications before providing advice to the Parks and Wildlife Division on the merit of the permit application.

This policy provides a framework for the assessment by Flora and Fauna Division of permits to Take or Interfere with wildlife. The intent is to ensure that the Division has a consistent approach to the assessment of wildlife permits in line with the *Territory Parks and Wildlife Conservation Act 1976* (the Act), and that information about the criteria used to assess permits is readily available to applicants.

2. Scope

This policy applies to permits to Take or Interfere with wildlife within the Northern Territory under the Act (s55(1)(a) and (b)). 'Wildlife' is defined in s9 of the Act and includes both native plants and animals. See Section 5 for other relevant definitions.

The policy is applicable to any application for Take or Interfere permits, including from government agencies, non-government organisations (both commercial and not-for-profit), or individuals.

For permits to translocate wildlife, applicants should also refer to the Northern Territory's wildlife translocation policy and guidelines (<https://nt.gov.au/environment/animals/translocate-wildlife>).

This policy does not cover permits for:

- Aquatic life within the meaning of the *Fisheries Act 1988*
- Keeping Protected Wildlife (such as pets and wildlife carers) (s55(1)(c) of the Act)
- Import, export or release of protected wildlife (s55(1)(d) of the Act)
- Keep, import/export of prohibited entrants (s55(1)(e) of the Act).

This policy does not constrain any decision by the delegate to grant or refuse a wildlife permit.

3. Principles

Flora and Fauna Division will only endorse Take or Interfere permits where the relevant requirements of the Act have been met as outlined below.

3.1. Wildlife management principles

In accordance with s31 of the Act, the activities proposed in a permit application must be in accordance with the principles of management of wildlife, in particular whether they may promote (or conversely, not have any negative impact on):

- Survival of wildlife in its natural habitat;
- Conservation of biodiversity, habitats and ecosystems; and
- Capacity of wildlife to sustain its natural processes.

In assessing permit applications against these principles, the following factors will be considered:

- Numbers or amounts of plants and animals taken or interfered with;
- Contribution to knowledge of species and their habitats (i.e. for scientific research/environmental surveys); and
- Methods of sampling used, including any destruction of habitat.

3.2. Threatened species

If the proposed activities involve taking or interfering with wildlife that is classified as threatened under s30 of the Act (i.e., Critically Endangered, Endangered or Vulnerable), special consideration is given to potential impacts on these species. This includes the potential for direct or indirect impacts (either positive or negative) on the species and/or their habitats. For species listed under the *Environment Protection and Biodiversity Conservation Act 1999*, the proposed activity should be supported by or consistent with published Recovery Plans or Conservation Advices for the relevant species.

3.3. Animal welfare

In accordance with s56-58 of the Act, animal welfare must be considered for activities relating to vertebrate fauna and any potential issues need to be addressed. This includes adherence to relevant codes of practice for humane wildlife use or management. For scientific research or teaching, the applicant is required to provide copies of a) project approval from a registered Animal Ethics Committee and b) registration under the *Animal Protection Act 2018* for the use of animals for scientific purpose.

3.4. Management programs

For species covered by an approved Wildlife Management Program under s32-34 of the Act, proposed activities in the permit application must be consistent with the objectives and any guidelines specified in that Program.

3.5. Public safety

Under s56-58 of the Act, consideration is also given to whether the proposed activity have any potential impacts (positive or negative) on the protection of the safety and welfare of the public. For example, a permit may not be granted if a proposed activity is likely to impact on the public amenity in a park or reserve.

4. Permit conditions

In addition to the 'standard' permit conditions specified under s57 of the Act, Flora and Fauna Division may also recommend additional conditions to ensure that data, specimens and any publications associated with the activities approved in the permit are provided. Data obtained from permit returns are added to publicly available datasets and may inform the conservation of species and their habitats.

Where relevant, specific permit conditions may also be recommended for particular activities (e.g. standard survey methods, sustainable harvest of bush foods) and/or species (e.g. threatened species, those covered by a Management Program).

5. Definitions

- Take – in relation to an animal – to hunt, catch, restrain or kill, or attempt or assist to hunt, catch, restrain or kill, the animal; and in relation to a plant – to sever, remove, damage or destroy, or assist to sever, remove, damage or destroy, the plant.
 - Interfere with – in relation to an animal or plant, means to a) harm, disturb, alter the behaviour of or otherwise affect the capacity of the animal or plant to perform its natural processes; or b) damage or destroy the habitat of the animal or plant.
 - Sustainable use - in relation to wildlife, means the taking or using of wildlife at a level that is capable of being continued without endangering the capacity of the wildlife to maintain itself and sustain its natural processes.
 - Wildlife – a) animals and plants that are indigenous to Australia; b) animals and plants that are indigenous to the Australian coastal sea or the sea-bed and subsoil beneath that sea; c) migratory animals that periodically or occasionally visit Australia or the Australian coastal sea; d) animals and plants of a kind introduced into Australia, directly or indirectly, by Aboriginals before the year 1788; and e) such other animals and plants as are prescribed.
 - Threatened species - a species of wildlife or an animal or plant of a classification or species of wildlife that the Minister identifies as threatened wildlife under s30 of the Act. Also includes species listed as threatened under the *Environment Protection and Biodiversity Conservation 1999 Act*.
 - Commercial purpose - in relation to an animal or plant, means the keeping, breeding, displaying, moving or other dealing with or use of the animal or plant for the purposes of selling, trading or bartering with the animal or plant or of otherwise earning a livelihood or making a profit, and includes the use of the animal or plant for scientific purposes.
 - Voucher specimens – a preserved plant or animal specimen collected in the field. Once accessioned, voucher specimens become collection specimens that serves as a verifiable and permanent record with as much of the physical remains preserved as possible.
 - Type specimen – the element (typically a specimen collection) used to describe a taxon and to which the name of a taxon is permanently attached. The published scientific name and official description of the taxon are associated with this type specimen.
 - Principles of Management – a set of principles (Division 2, Subdivision 2) in the *Territory Parks and Wildlife Conservation Act 1976* guiding the sustainable management of wildlife.
 - Prohibited entrant - a species of animal or plant or an animal of a species of animal or a plant of a species of plant that is a prohibited entrant under s52 or 53 of the Act.
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6. Legislative context

Permits to take or interfere with wildlife within the Northern Territory require authorisation under the *Territory Parks and Wildlife Conservation Act 1976* (the Act). Permit applications are made under s55 of the Act and permits are granted or refused in accordance with s56 and are subject to terms and conditions under s57 including term or condition imposed by the Director Parks and Wildlife. In considering an application, the Executive Director Parks and Wildlife Division or delegate also takes into account the principles of management (s31) under the Act.

Permit applications and Permit must be in a form approved by the Director or delegate (s55 (2)).

Permits relating to threatened wildlife (i.e., species listed as threatened under s29 of the Act) require approval of the Minister (s56(2)(a)), which power is currently delegated to the Executive Director Parks and Wildlife.

A permit issued under the Act does not provide a land access authorisation, and other authorisations may be required, particularly for Aboriginal and native title land (which includes the 33 parks and reserves in the Northern Territory under a joint management agreement). Applicants must obtain approval and provide written evidence for land access prior to applying for the permit.

The *Biological Resources Act 2006* also applies for research on wildlife that involves bioprospecting ([Biological resources | Department of Industry, Tourism and Trade](#)). Bioprospecting is the research on and commercialisation of genetic materials found in plants and animals. Under the *Biological Resources Act*, parties engaged in bioprospecting must establish a benefit-sharing agreement with the resource access provider (e.g. landholder) before applying for a scientific permit.

To undertake research or teaching on vertebrate wildlife in the Northern Territory, the *Animal Protection Act 2018* requires the person to be registered and associated with an animal ethics committee ([Apply for a registration to use or allow an animal to be used for scientific purposes | NT.GOV.AU](#)). Evidence of this registration and animal ethics certificate is required at the time of applying for the permit.

7. Associated Documents

- [Northern Territory guidelines for targeted surveys of threatened and significant plant species](#). The guidelines provide standardised survey methods for threatened and significant plant species.
- [NT guidelines and field methodology for vegetation survey and mapping](#). This document describes the standard methods for collecting, describing, classifying and mapping vegetation in the Northern Territory compliant with the Australian Soil and Land Survey Field Handbooks ('Yellow Book' McDonald et al., 1990 & 'Blue Book' Gunn et al., 1988) and in accordance with national standards of the National Vegetation Information System.
- [Policy on the translocation of native wildlife for conservation in the Northern Territory](#). This document provides a framework for the consideration of proposals to translocate native wildlife in the Northern Territory.
- [Animal ethics and welfare resource library | Charles Darwin University \(cdu.edu.au\)](#). Animal Ethics link – Standard Operating Procedures
- [EPBC Act publications and resources - DCCEEW](#). EPBCA Survey guidelines provide advice on survey techniques for specific nationally threatened species.

8. Review

This policy will be reviewed every five years, or as required.