

29 July 2016

Online Response: BRU.NCS@ehp.qld.gov.au

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Environment
Institute of
Australia and
New Zealand
SOUTH EAST QLD DIVISION

Dear Andrea,

Re: Reviewing the Framework for the Management of Protected Wildlife (animals) in Queensland

Thank you for providing the Environment Institute of Australia and New Zealand (EIANZ) the opportunity to make a submission regarding: the framework for the management of protected wildlife (animals) in Queensland under the *Nature Conservation Act 1992* and subordinate regulations; the Nature Conservation (Wildlife Management) Regulation 2006; the Nature Conservation (Administration) Regulation 2006; and the Nature Conservation (Wildlife) Regulation 2006 (the 'Regulations').

EIANZ is a non-profit, multi-disciplinary association of environmental practitioners. Its members include a broad range of environmental consultants, many of whom hold permits and licences that are the subject of this review. The EIANZ also appreciates being included on the Department's Wildlife Advisory Committee (WAC), to which the issues highlighted in this submission have been brought for consideration.

The EIANZ congratulates the Department for commencing this review on protected animal regulation and supports the intention of the review to 'strengthen conservation outcomes for wildlife and ensure the framework aligns with modern and best practice for taking, interfering with, and keeping wildlife'. The EIANZ is also keen to provide a submission on the proposed review of the Protected Plant Framework and Tampering with Protected Animal Breeding Places, when this review commences.

Our present submission considers two aspects of the current review that affect EIANZ members, namely regulation of Fauna Spotter-catchers (FSC) under the current Rehabilitation Permit and regulation of ecological surveys for commercial purposes, which are currently regulated under the Scientific Purposes Permit.

Rehabilitation Permits

The EIANZ supports the role of FSCs in providing fauna rescue and welfare services to the development, infrastructure, resources and construction industries. Although the Institute is concerned about the fate of animals whose habitat has been destroyed and the lack of follow up survey and monitoring, we recognise that this is beyond the scope of the current review. The Institute makes the following observations about the current regime for regulating Rehabilitation Permits:

1. **FSC do not fit within the scope of the Rehabilitation Permit.** The aim of the Rehabilitation Permit is to allow wildlife carers to hold protected animals whilst they are being rehabilitated with a view to releasing them back into the wild. Whereas the FSC's role is to ensure the welfare of protected animals whose habitat is about to be destroyed through approvals under other legislation. These two functions are separate and should not be captured under the one permit type.

Recommendation: *The EIANZ supports the creation of a new permit for regulating FSCs.*

2. **Anyone can work under the Rehabilitation Permit held by another.** The Rehabilitation Permit allows the Principal Holder to delegate their authority to another who may or may not be suitably qualified or experienced to operate as a FSC. There are currently insufficient checks and balances in place that would allow delegation to another person, considering that the industry employs a large casual workforce with frequent movement between companies and as sole traders.

Recommendation: *The EIANZ supports the requirement for all FSCs to hold an appropriate permit and to allow individual permit holders to operate under a company or group permit under a single Principal Holder, if desired.*

3. **Endorsement of a Code of Practice or Standard for FSC.** Currently, FSCs do not operate under any departmental guideline that directs how they are to conduct themselves on a clearing site. Some companies have developed internal operational guidelines. However, the EIANZ considers that a single Code of Practice or Standard is required to ensure that all FSCs carry out their activities to good international industry practice.

Recommendation: *The EIANZ supports the development of Standards that directs the activities of FSC. Development of such Standards should be created and endorsed by all practitioners, industry and non-government organisations to ensure acceptance.*

4. **Conditioning of FSC on Approvals to Clear Habitat**

Whilst the EIANZ understands that the scope of the current review is limited to licences and permits for taking, moving and keeping protected animals, the Institute recommends that the Department investigate ways to condition the use of FSCs for existing development approvals. As the NC Act and Regulations sit outside of current approvals under other legislation, such as the *Vegetation Management Act 1999* and *Sustainable Development Act 2009*, there is limited opportunity to mandate the presence of a FSC for developments requiring the clearing of habitat. Although some local government approvals can include such conditions, this is not consistent across Queensland.

Recommendation: *The EIANZ recommends that the Department investigate ways to condition FSCs for existing approvals.*

Scientific Purposes Permits

Many of the EIANZ's members hold or operate under a Scientific Purposes Permit that allows themselves or their employees to conduct fauna surveys which involve the capture and identification of fauna species for the purposes of baseline surveys, or to support impact assessments. The Institute makes the following observations about the current regime for regulating Scientific Purposes Permits:

1. **Scientific Purposes Permits Should Regulate Surveys for Scientific Purposes.** The EIANZ recognises that the surveying of fauna for commercial gain (i.e., as an ecological consultant) does not fit within the current scope of the Scientific Purposes Permit, which is to allow permit holders such as universities and independent researchers to conduct scientific research on fauna. The current review provides an opportunity to create a new permit type for ecological consultants conducting baseline surveys (e.g., identification of species, particularly listed threatened species) and to streamline the application and reporting processes to ensure that permit holders are qualified and experienced, and that the data collected under the permit is integrated into existing wildlife databases to be made freely available.

Recommendation: *The EIANZ recommends creation of a new permit type to regulate fauna surveys conducted by ecological consultants for commercial gain.*

2. **Permit Holders must be Suitably Qualified and Experienced.** The EIANZ recognises that there must be a minimum standard in place for practitioners who wish to hold a permit for conducting fauna surveys for commercial gain. The Queensland Government uses the term 'suitably qualified and experienced' to describe practitioners who are suitably qualified and experienced to undertake certain activities. The Certified Environmental Practitioner (CEnvP) Program (www.cenvp.org) is an initiative of the EIANZ that seeks to facilitate interaction among environmental professionals, promote environmental knowledge and awareness, and advance ethical and competent environmental practice. The CEnvP Program requires applicants to meet, amongst other criteria, a minimum 5 years of full-time equivalent experience in the functional area of environmental practice, and an environment related degree. The Program also has a specialist certification available for Ecology, which requires 10 years of full-time experience in the functional areas of environmental practice during the last fifteen years and an ecology-related degree. The CEnvP Ecology Specialist certification recognises practitioners with a high level of knowledge in their particular areas of practice (three areas can be nominated at the time of certification).

Recommendation: *The EIANZ recommends the use of the CEnvP Ecology Specialist certification as a pathway to meeting the 'suitably qualified and experienced' person test, if a new permit for fauna surveys for commercial gain were to be introduced by the Department.*

The EIANZ thanks the Department for the opportunity to contribute to the review of the Regulations and to our continuing engagement through the WAC, and we look forward to contributing to future reviews of the NC Act and Regulations.

Yours faithfully,



Dr. Mark Breitfuss
President EIANZ-SEQ