

## Policy on limiting the take of protected species through the permissions system

(Revision 0) Month/ Year

The Reef Authority acknowledges the continuing Sea Country management and custodianship of the Great Barrier Reef by Aboriginal and Torres Strait Islander Traditional Owners whose rich cultures, heritage values, enduring connections, and shared efforts are protecting the Reef for future generations.

### Objectives:

1. Protected Species of the Great Barrier Reef World Heritage Area are protected and conserved.
2. Permissions granted under Part 2 of the Zoning Plan, which involve the take of protected species, consistently and effectively apply Section 105 of the *Great Barrier Reef Marine Park Regulations 2019* (the Regulations), enabling better conservation of Protected Species.

**Target audience:** Marine Park managers, users and permission applicants.

### CONTENTS

Contents.....	1
1. Policy Framework.....	1
2. Statutory Framework.....	1
3. Policy Outcomes.....	2
4. Management Outcomes.....	2
Table 1 – Consideration of section 105(1)(b)(iii)&(iv).....	3
5. Review.....	5
6. Definitions.....	5
7. Supporting information.....	6
8. Further information.....	6
9. Appendix 1.....	7

### 1. POLICY FRAMEWORK

1.1 This policy is applicable to permission applications under Part 3 of the Regulations for conduct in the Marine Park which relates to, or involve, the taking of Protected Species.

1.2 This policy is hierarchical and contains:

- a) A statutory framework;
- b) Policy outcomes; and
- c) Management outcomes, including a table which provides guidance to achieve the policy outcomes and objectives, and consists of requirements and acceptable standards.

### 2. STATUTORY FRAMEWORK

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- 2.1 Under section 5.3(a) of the *Great Barrier Reef Marine Park Zoning Plan 2003* (the Zoning Plan), a zone may be used or entered for the purposes of taking a Protected Species in accordance with a permission granted for a provision of Part 2 of the Zoning Plan.
- 2.2 Pursuant to subsection 105(1) of the Regulations, the Reef Authority must not grant a permission for conduct that relates to, or involves, the taking of a Protected Species unless satisfied, among other things, that one or more of subsections (b)(i) to (iv) apply.
- 2.3 This policy relates to the application of subsection 105(1)(b)(iii) & (iv) specifically. If these subsections apply, the Reef Authority must be satisfied that:
- (iii) the conduct will contribute to the conservation of the protected species
  - (iv) the taking of the protected species is not the main purpose of the conduct but is merely incidental to the conduct and will not adversely affect the conservation status of the species.
- 2.4 This policy is made under section 7(4) of the *Great Barrier Reef Marine Park Act 1975* (the Act). As such, section 103 of the Regulations provides that it must be considered by the Reef Authority in deciding whether to grant a permission or whether to or not to impose any conditions on a permission relating to the take of protected species where subsections 105(1)(b)(iii)&(iv) apply. The Reef Authority should apply this policy unless there are cogent reasons to depart from it (in which case, those reasons should be documented).
- 2.5 Traditional Owners' inherent rights and interests under lore and custom, common law and the *Native Title Act 1993* (Cth) are not intended to be adversely affected by this policy.

### 3. POLICY OUTCOMES

- 3.1 The take of Protected Species is managed to protect and conserve such species in line with the objects of the Act.

### 4. MANAGEMENT OUTCOMES

- 4.1 In considering whether sections 105(1)(b)(iii) & (iv) are satisfied, permission applications are assessed by the Reef Authority in a consistent way.
- 4.2 Where appropriate, the 'Acceptable Standards' in **Table 1** are considered to achieve the corresponding 'Requirement'.
- 4.3 The conduct referred to below is the conduct that is the subject of an application for permission that relates to, or involves, the Take of a Protected Species. The table refers to temporary or permanent take where relevant.
- 4.4 For any conduct involving the take of Protected Species, all relevant requirements in the table below should be taken into account for the consideration of section 105(1)(b)(iii)&(iv).

**Table 1 – Consideration of section 105(1)(b)(iii)&(iv)**

<b>Requirement</b>	<b>Conduct</b>	<b>Acceptable Standards</b>
<b>For permission applications which involve the permanent take of Protected Species in any zone</b>		
<b>R1</b> The Reef Authority is satisfied that the conduct will contribute to the conservation of the Protected Species.	All conduct involving the permanent take of Protected Species	<b>S1</b> <b>Appendix 1</b> gives an indication of the likelihood of certain conduct satisfying <b>R1</b> in relation to particular Protected Species.
<b>R2</b> The Reef Authority is satisfied that the conduct will contribute to the conservation of the Protected Species.	Lethal Research	<b>S2</b> The Reef Authority may consider the conduct satisfies <b>R2</b> where all of the following are met: <b>S2.1</b> the research relates directly to the species of interest; <b>S2.2</b> the research intends to lead to benefits for the species of interest; <b>S2.3</b> the conduct is unlikely to adversely impact a population of the species; and <b>S2.4</b> the permission applicant has the capacity to collect, transport and/or handle the species appropriately in order to reduce the risk of the animal being significantly harmed during the process (if alive), or the specimen being damaged (if dead).
	Non-lethal Research	<b>S3</b> The Reef Authority may consider the conduct satisfies <b>R2</b> where all of the following are met: <b>S3.1</b> the research relates directly to the species of interest; <b>S3.2</b> the research intends to lead to benefits for the species of interest; <b>S3.3</b> non-lethal research methods are used; <b>S3.4</b> the method of take is unlikely to significantly harm the animal; <b>S3.5</b> the permission applicant has the capacity to collect, transport and/or handle the species appropriately in order to reduce the risk of the animal being significantly harmed during the process.
	Public display	<b>S4</b> The Reef Authority may consider the conduct satisfies <b>R2</b> where all of the following are met: <b>S4.1</b> the main purpose of the conduct is education and interpretation, and relates specifically to the conservation of the species; <b>S4.2</b> the permission applicant is the same entity who is carrying out the public display and therefore has control over achieving the outcome of contributing to the conservation of the Protected Species; <b>S4.3</b> the method of take is unlikely to significantly harm the animal; <b>S4.4</b> the methods of collection, transport, handling and on-going exhibition and husbandry of

Requirement	Conduct	Acceptable Standards
		<p>the species is not inconsistent with the Australian Animal Welfare Standards;<sup>1</sup> and</p> <p><b>S4.5</b> the permission applicant has experience in the collection, transport and handling of similar marine animals.</p>
	<p>Supply as broodstock for aquaculture</p>	<p><b>S5</b> The Reef Authority may consider the conduct satisfies <b>R2</b> where the following are taken into account:</p> <p><b>S5.1</b> if the applicant is not the entity operating the facility, the permission is for the direct supply to appropriate facilities (because the entity operating the aquaculture facility will ultimately have control over whether <b>R2</b> will be met);</p> <p><b>S5.2</b> the purpose is either to restock wild populations within the Marine Park, or to curb commercial wild harvest where relevant;</p> <p><b>S5.3</b> the relevant aquaculture facility is involved in land-based aquaculture only (as opposed to mariculture);</p> <p><b>S5.4</b> the entity operating the aquaculture facility has the permission from the appropriate authority to keep the species for aquaculture;</p> <p><b>S5.5</b> the methods of collection, transport, handling and on-going husbandry will meet best practice standards, including the National policy guidelines for translocation of live aquatic animals,<sup>2</sup> and;</p> <p><b>S5.6</b> the permission application relates to the following species (due to high rates of unsuccessful captive breeding of most other Protected Species):</p> <ul style="list-style-type: none"> <li>a) Family <i>Tridacnidae</i> (all species) (<b>Giant Clams</b>);</li> <li>b) Families <i>Syngnathidae</i> and <i>Solenostomidae</i> (all species) (<b>Seahorses, seadragons, pipefishes and ghost pipefishes</b>);</li> <li>c) <i>Epinephelus lanceolatus</i> (<b>Queensland groper</b>);</li> <li>d) <i>Epinephelus tukula</i> (<b>Potato rockcod</b>);</li> <li>e) <i>Cheilinus undulatus</i> (<b>Humphead Maori wrasse</b>);</li> <li>f) <i>Chromileptes altivelis</i> (<b>Barramundi cod</b>); or</li> <li>g) Genus <i>crocodylus</i> (all species) (<b>Crocodiles</b>).</li> </ul>

<sup>1</sup> <https://animalwelfarestandards.net.au/welfare-standards-and-guidelines/exhibited-animals/>

<sup>2</sup> <https://www.agriculture.gov.au/agriculture-land/animal/aquatic/guidelines-and-resources>

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Requirement	Conduct	Acceptable Standards
	Supply for conservation breeding programs	<p><b>S6</b> The Reef Authority may consider the conduct satisfies <b>R2</b> where all of the following are met:</p> <p><b>S6.1</b> the breeding program is purely for conservation purposes and not for commercial gain;</p> <p><b>S6.2</b> the breeding program aims to increase the population of the species;</p> <p><b>S6.3</b> the method of take is unlikely to cause significant harm to the animal; and</p> <p><b>S6.4</b> the permission applicant has the capacity to collect, transport and/or handle the species appropriately in order to reduce the risk of the animal being significantly harmed during the process.</p>
<b>For permission applications which involve the temporary take of Protected Species (other than cetaceans) in any zone</b>		
<p><b>R3</b> The Reef Authority is satisfied that the conduct will contribute to the conservation of the Protected Species.</p>	Research – non-lethal	<p><b>S7</b> The Reef Authority may consider the conduct satisfies <b>R3</b> where all of the following are met:</p> <p><b>S7.1</b> the research relates directly to the species of interest;</p> <p><b>S7.2</b> the research intends to lead to benefits for the species of interest;</p> <p><b>S7.3</b> non-lethal research methods are used;</p> <p><b>S7.4</b> the animal is unlikely to be significantly harmed by the activity; and,</p> <p><b>S7.5</b> the permission applicant has the capacity to collect, transport and/or handle the species appropriately in order to reduce the risk of the animal being significantly harmed during the process.</p>
	Photography, filming and sound recording	<p><b>S8</b> The Reef Authority may consider that the conduct will meet <b>R3</b> where all of the following are met:</p> <p><b>S8.1</b> the animal is not likely to be significantly harmed by the activity;</p> <p><b>S8.2</b> the conduct will be conducted in accordance with the Reef Authority’s Activity Assessment Guidelines – Photography, filming and sound recording;<sup>3</sup> and,</p> <p><b>S8.3</b> the conduct is for the purpose of education and interpretation, and will lead to conservation benefit to the species of interest.</p>

## 5. REVIEW

5.1 This policy will be reviewed every five (5) years to ensure that it is contemporary and fit for purpose.

## 6. DEFINITIONS

<sup>3</sup> *Activity Assessment Guidelines – Photography, filming and sound recording 2017* (GBRMPA), <https://elibrary.gbrmpa.gov.au/jspui/handle/11017/3236>

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**Animal** has the meaning given in the Act - means any member, alive or dead, of the animal kingdom (other than man), and includes: (a) eggs or part of eggs; and (b) the skin, feathers, shell or any other part of an animal.

**Conservation** has the meaning given in the Zoning Plan.

**Permanent take** means take of a Protected Species resulting in removal from the Marine Park without intent to return it.

**Protected Species** has the meaning given in section 1.5 of the Zoning Plan (which includes a species declared to be a protected species pursuant to section 30 of the Regulations) and section 3(1) of the Act (which includes a species declared to be a protected species pursuant to section 10 of the Regulations).

**Temporary take** means take of a Protected Species that does not involve removing the species from the Marine Park permanently. This may include taking the animal from the Marine Park with the intent of returning it. This may also include filming, photography and sound recording.

**Taking** an animal, plant or marine product has the meaning given in the Zoning Plan and includes:

- (a) removing, gathering, catching, capturing, killing, destroying, dredging for, raising, carrying away, bringing ashore, interfering with and obtaining (by any other means) the animal, plant or marine product; and
- (b) attempting to do anything mentioned in paragraph (a).

## 7. SUPPORTING INFORMATION

1. [Policy on Managing Activities that include direct take of protected Species from GBR 2005](#)

## 8. FURTHER INFORMATION

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## 9. APPENDIX 1

### Note:

**Possible** means that it is possible that the Reef Authority will consider the conduct will contribute to the conservation of the Protected Species. This does not mean that a permission will be granted. Any properly made application needs to be assessed by the Reef Authority under Part 3, Division 4 of the Regulations.

**Unlikely** means that it is unlikely that the Reef Authority will consider the conduct will contribute to the conservation of the Protected Species.

Species	Common Name	Filming and Photography (non-extractive)	Filming (extractive)	Public Display for Education (Domestic)	Public Display for Education (International)	Research	Broodstock collection for land-based aquaculture, including captive breeding for conservation
<b>Invertebrates</b>							
Family Tridacnidae (all species)	<b>Giant Clams</b>	Possible	Possible	Possible	Unlikely	Possible	Possible
<i>Cassis cornuta</i>	<b>Giant helmet shell</b>	Possible	Possible	Possible	Unlikely	Possible	Unlikely
<i>Charonia tritonis</i>	<b>Trumpet triton</b>	Possible	Possible	Possible	Unlikely	Possible	Unlikely
<b>Fish</b>							
Families Syngnathidae and Solenostomidae (all species)	<b>Seahorses, seadragons, pipefishes and ghost pipefishes</b>	Possible	Unlikely	Possible	Unlikely	Possible	Possible
Family Pristidae (all species)	<b>Sawfishes</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Epinephelus lanceolatus</i>	<b>Queensland groper</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Possible
<i>Epinephelus tukula</i>	<b>Potato rockcod</b>	Possible	Unlikely	Possible (70-100cm only)	Unlikely	Possible	Possible
<i>Cheilinus undulatus</i>	<b>Humphead Maori wrasse</b>	Possible	Unlikely	Possible (70-100cm only)	Possible (70-100cm only)	Possible	Possible

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Species	Common Name	Filming and Photography (non-extractive)	Filming (extractive)	Public Display for Education (Domestic)	Public Display for Education (International)	Research	Broodstock collection for land-based aquaculture, including captive breeding for conservation
<i>Chromileptes altivelis</i>	<b>Barramundi cod</b>	Possible	Unlikely	Possible (70-100cm only)	Possible	Possible	Possible
<i>Rhincodon typus</i>	<b>Whale shark</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Carcharias taurus</i>	<b>Grey nurse shark</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Carcharinus falciformis</i>	<b>Silky shark</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Carcharhinus longimanus</i>	<b>Oceanic whitetip shark</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Carcharodon carcharias</i>	<b>White shark</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Glyphis glyphis</i>	<b>Speartooth shark</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Isurus oxyrinchus</i>	<b>Shortfin mako shark</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Isurus paucus</i>	<b>Longfin mako shark</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Lamna nasus</i>	<b>Porbeagle shark</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Mobula alfredi</i>	<b>Reef manta ray</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Mobula birostris</i>	<b>Giant manta ray</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Mobula eregoodootenkee</i>	<b>Pygmy devilray</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Mobula japonica</i>	<b>Japanese devilray</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Mobula thurstoni</i>	<b>Bentfin devilray</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<b>Marine Reptiles</b>							
Genus <i>Crocodylus</i> (all species)	<b>Crocodiles</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Possible
Families Hydrophiidae and Laticaudidae (all species)	<b>Sea snakes</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely

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Species	Common Name	Filming and Photography (non-extractive)	Filming (extractive)	Public Display for Education (Domestic)	Public Display for Education (International)	Research	Broodstock collection for land-based aquaculture, including captive breeding for conservation
Family Cheloniidae (all species)	<b>Green turtle, loggerhead turtle, olive ridley turtle, hawksbill turtle, flatback turtle</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
Family Dermochelyidae	<b>Leatherback turtle</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<b>Birds</b>							
Class Aves (all species)	<b>Birds</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<b>Marine Mammals</b>							
Families Otariidae and Phocidae (all species)	<b>Seals</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
<i>Dugong dugon</i>	<b>Dugong</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely
Order Cetacea (all species)	<b>Whales and Dolphins</b>	Possible	Unlikely	Unlikely	Unlikely	Possible	Unlikely

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