



Wildlife Licence Activities Guidance Note

Fauna survey activities that are not likely to meet the definition of take or disturb

Purpose

The purpose of this document is to provide guidance for the type of wildlife licence activities that are not likely to require lawful authority under the *Biodiversity Conservation Act 2016* (BC Act) as they do not meet the definitions for take or disturb. This guidance note is not definitive, it is the responsibility of the proponent to determine if an activity is likely to take and or disturb fauna. Where there is uncertainty, the precautionary principle should be applied.

Introduction

Wildlife license activities which may result in the taking or disturbance of fauna require lawful authority under the BC Act. A lawful authority is required if the activity meets the definition of take or disturb as per section 5 of the BC Act:

take—in relation to fauna, is:

- (i) to kill, injure, harvest or capture fauna by any means;
- (ii) to cause or permit anything referred to in subparagraph (i) to be done.

disturb—in relation to fauna, is:

- (i) to chase, drive, follow, harass, herd or hunt fauna by any means;
- (ii) to apply an identifier to fauna by any means;
- (iii) to engage in an activity that has the effect, whether directly or indirectly, of altering the natural behaviour of fauna to its detriment;
- (iv) to cause or permit anything referred to in subparagraph (i), (ii) or (iii) to be done.

This document provides an overview of the activities that are not likely to require a fauna take licence ([Biodiversity Conservation Regulations 2018](#)) or section 40 authorisation ([Biodiversity Conservation Act 2016](#)). Fauna taking licenses, for which this document applies, includes:

- Regulation 25 - Fauna taking (scientific and other purposes) licence
- Regulation 27 - Fauna taking (biological assessment) licence
- Regulation 28 - Fauna taking (relocation) licence

A section 40 authorisation under the BC Act is required to take or disturb threatened species. Threatened fauna includes those species that are listed under the BC Act as critically endangered, endangered or vulnerable.

Fauna survey activities that are not likely to require a lawful authority

A list of activities that do not require a lawful authority are listed below in Table 1. Please note, modification to activities listed in the table may require assessment. When determining if a lawful authority is required it is important to consider the frequency of the activity or the actions that are undertaken as part of that activity (e.g. number of visits to a site) and the impacts that this may have on fauna.

Commonly applied fauna survey methods have been reviewed by DBCA wildlife scientists and subject matter experts to assess whether they meet the legislative definition of take or disturb. A review of peer-reviewed literature on sampling techniques and animal welfare impacts was also undertaken. Table 1 will be reviewed as new information becomes available.

Please contact Wildlife Licensing Section on wildlifelicensing@dbca.wa.gov.au or (08) 9219 9831 for more information.

Table 1: Fauna survey activities that are not likely to require a lawful authority (fauna taking licence or section 40 authorisation) are identified below.

ACTIVITY	LAWFUL AUTHORITY NOT REQUIRED
<p>REMOTE SENSING CAMERAS Deployment of un-lured or non-consumable lured remote sensor-cameras (e.g. bait is held in a container and is not available for consumption by fauna).</p>	<p>Deployment does not impact fauna in a way that is likely to reduce survivorship of adults or their young.</p> <p><i>Things to consider:</i></p> <p>Assessment required if the placement and/or checking of cameras is likely to cause:</p> <ul style="list-style-type: none"> • Adults to abandon a nest or den site, resulting in reduced survivorship of dependent young, • Adults to move the nest or den site and relocate young; or • Increased visitation to the site by predators.
<p>ACOUSTIC RECORDERS Deployment of passive acoustic recorders and listening surveys in the general environment; and deployed outside or at the entrance of a cave/burrow/nest.</p>	<p>Deployment or placement of devices does not interfere with fauna movement, and installation does not occur when fauna are active or will disturb fauna in a way that is likely to reduce survivorship of adults and dependent young. For example, nesting/denning adults are not easily flushed or flee and are likely to return to young.</p> <p><i>Things to consider:</i></p> <ul style="list-style-type: none"> • Careful consideration must be given when undertaking activities during breeding or nesting seasons. • A section 40 authorisation is required to deploy acoustic recorders where the activity is likely to occur in suitable habitat for night parrots (<i>Pezoporus occidentalis</i>) or western ground parrots (<i>Pezoporus flaviventris</i>) (Note: Very little is known about the biology of night parrots, including when the species breeds and nests. If night parrots have been recorded in an area the precautionary principle must be applied. Deployment of acoustic recorders may impact survivorship of western ground parrots as there is an increased risk of injury due to contact with vegetation from flushing parrots.)

<p>REMOTELY PILOTED AIRCRAFT or VEHICLE (RPA/RPV e.g. drones)</p> <p>TERRESTRIAL ENVIRONMENT</p>	<p>Observation from a distance that does not impact fauna in a way that is likely to reduce survivorship of adults or their young.</p> <p>Use of RPA/RPV does not harass fauna. Any disturbance caused is temporary.</p>
<p>REMOTELY PILOTED AIRCRAFT or VEHICLE (RPA/RPV e.g. drones)</p> <p>MARINE ENVIRONMENT</p>	<p>Observation from a distance that does not impact fauna in a way that is likely to reduce survivorship of adults or their young, for:</p> <ul style="list-style-type: none"> • For marine prescribed fauna, if used outside the minimum separation distances stated in the Biodiversity Conservation Regulations 2018. Marine species that are listed as prescribed fauna include: <ul style="list-style-type: none"> • whale sharks • whales • killer whales • dolphins • dugongs • seals
<p>IN WATER FILMING</p> <p>MARINE ENVIRONMENT</p>	<p>Observation from a distance that does not chase, follow or harass fauna:</p> <ul style="list-style-type: none"> • For marine prescribed fauna (see above), if used outside the minimum separation distances stated in the Biodiversity Conservation Regulations 2018.
<p>OBSERVATION AND PHOTOGRAPHY</p> <p>Observation and recordings from a distance (e.g. observing fauna using binoculars, photographing fauna with a telescopic lens).</p>	<p>Observation from a distance that does not chase, follow or harass fauna.</p>
<p>SPOTLIGHTING</p> <p>Single spotlighting event, non-consecutive spotlighting nights.</p>	<p>Where reasonable measures have been taken to avoid disturbance during spotlighting surveys (as per best practice techniques) then no licence or section 40 authorisation is required. Best practice techniques include the following:</p> <ul style="list-style-type: none"> • Walking or driving (<20km/hour) the transect at a slow and steady pace. • Avoiding the animal's prolonged exposure to the light (< 30 seconds). • Use of a light with a narrow beam. • Use of a red filter and dimmer switch and reduce intensity when long observations are to be made (up to 30 seconds) once the animal has been spotted.

<p>MOUND MONITORING (MALLEEFOWL)</p>	<p>Where reasonable measures have been taken to avoid disturbance to fauna in a way that is likely to reduce survivorship of adults or their young. Reasonable measures include minimal time spent at the nest site; moving away from the mound if a bird has been observed; infrequent, single visits to measure, observe and photograph mounds.</p> <p>The following activities can be carried out without an authorisation*:</p> <ul style="list-style-type: none"> • Searching areas for mounds, (i.e.) “grid walking”, including multiple individuals searching in a line. • Mound measuring; observation; and photographing. • Deployment of un-lured remote sensor-cameras at mounds. <p>* As per the techniques described in the <i>National Malleefowl Monitoring Manual: Edition: 2019-1</i>, National Malleefowl Recovery Team.</p> <p><i>Things to consider:</i></p> <ul style="list-style-type: none"> • Assessment is required for the use of all-terrain vehicles, motorbikes, horses or drones to search large areas for mounds.
<p>MARINE TRACK SURVEYS Turtle track surveys.</p>	<p>Observations of turtle tracks along beaches. If no other activity involving turtles is undertaken (e.g. physically restraining turtles to check tags) then no approvals are required.</p>
<p>NEST HOLLOW INSPECTIONS (NATURAL OR ARTIFICIAL) - BIRDS</p>	<p>Where reasonable measures have been taken to avoid disturbance to fauna in a way that is likely to reduce survivorship of adults or their young. Reasonable measures include minimal time spent at the nest site; moving away from the tree once the bird has been flushed or hollow inspected; not reinspecting hollows more than once per day where birds were not identified during the initial survey.</p> <p>The following activities can be carried out without a licence or authorisation:</p> <ul style="list-style-type: none"> • Knock/tap/rake/rub tree trunk. • Telescopic pole and camera. • Ladders and climbing equipment. • Elevated work platforms (cherry picker). <p><i>Things to consider:</i></p> <ul style="list-style-type: none"> • Careful consideration must be given to nest hollow inspections undertaken during the nesting season. • Assessment is required for the use of drones.
<p>INSTALLING ARTIFICIAL HABITAT Instalment of nest boxes and artificial hollows.</p>	<p>Assessment is not required provided careful consideration has been given to nest box and artificial hollow placement. The local DBCA office should be contact for information on suitable areas for installation.</p> <p><i>Things to consider:</i> Installation of nest boxes and artificial hollows in inappropriate areas or habitat can impact survivorship and health of fauna.</p> <p>Inspection of nest boxes requires assessment given the potential disturbance of species inside and the uncertainty of which fauna species may be present.</p>

Revised: January 2022

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