HERRIMAN Karmen

From: Couprie Dayna
Sent: Tuesday, 25 February 2014 3:50 PM
To: Cosgrove Jack
Cc: Morris Sally
Subject: Permit for s.49
Attachments: WIMP14211914.pdf

Hi Jack,

Please find the signed permit, nod, and SoR for s.49 Would you mind emailing the client and uploading to EcoTrack please? I will mail out the originals as per usual.

Cheers
Dayna

Dayna Couprie
Project Officer

Wildlife Management
Department of Environment and Heritage Protection

PO Box 375
Garbutt East LPO, QLD 4814
Phone: (07) 4796 7768
Fax: (07) 4796 7705

Email: dayna.couprie@ehp.qld.gov.au

RTI DL RELEASE - EHP

Notice of decision - permit[1] application

This notice is issued by the administering authority to advise of a statutory decision on a permit application.

s.49 [redacted]

Our reference: 413289

Dear s.49 [redacted]

Re: Decision made in relation to your application

Your application received on 24-FEB-2014 has been assessed and the decision in regard to your application is specified below:

Permit applied for	Permit Number	Decision
Damage Mitigation Permit under Nature Conservation (Administration) Regulation 2006	WIMP14211914	Granted

For the permit applied for that has been granted, the conditions of approval are attached. Where applicable, a Statement of Reasons is provided in relation to the decision. Please note that for the approval, this Notice of Decision and the relevant attachments constitute the permit documentation. Please retain this approval documentation for your records.

Included with this notice is advice on review and appeal processes that may be available to you. Should you seek a review or appeal, you are advised to seek independent advice before taking such action.

If you require more information, please contact Sally Morris on the telephone number listed below.

s.49 - Signature [redacted]

Department of Environment and Heritage Protection
Date
25/2/14

Enquiries:
Wildlife - Savanna - QPW
PO Box 375
GARBUTT EAST QLD 4814
Phone: (07) 4796 7775

Attachment - Permit/Statement of Reasons

RTI DL RELEASE - EHP

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Permit[1]

This permit is issued under the following legislation:

S12(A) Nature Conservation (Administration) Regulation 2006

Damage Mitigation Permit

Permit number: WIMP14211914

Valid from: 26-FEB-2014 **to** 25-FEB-2015

RTI DL RELEASE - EHP

Parties to the Permit

Role	Name	Address
Principal Holder	s.49 [redacted]	s.49 [redacted]

Permitted Location Activity Details

Location (s)	Activity (s)
s.49 [redacted]	Culling Wildlife to prevent damage or loss

Permit Details

Species Details

Location	Activity
s.49 [redacted]	Culling Wildlife to prevent damage or loss

Common Name	*Scientific Name*	*Category*	*Quantity*
agile wallaby	Macropus agilis	Live	500 Animal/s

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Conditions of Approval

General Permit Conditions

Agency Interest: General

PG1 Additional Information:
1. Neighbours, Police and the relevant Local Authority should be notified prior to commencement of operations
2. Bird Frite and/or other non-lethal deterrent methods are to be used in conjunction with this permit
3. Taking can occur only within the boundaries of the landholders property
4. Carcasses to be disposed of in an appropriate manner
5. Lethally taken female macropods are to be checked for pouch young. Pouch young and young at foot macropods are to be dealt with in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

PG2 Persons authorised to undertake culling and dispersal under this permit include only the following:
1. s.49 [redacted]

Agency Interest: Biodiversity

PB1 Accurate records of animals shot under this permit must be recorded in the return form provided. These must be made at the end of each day/night that the animals are taken.

Conditions for: Culling Wildlife to prevent damage or loss

Agency Interest: General

A1G1 Important notes:
A Return of operations form must be sent to EHP within 10 business days after each [insert timeframe period/s], and you must keep a copy for your records. If the Return of operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the following EHP website link:
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Agency Interest: Biodiversity

A1B1 Macropods
1. Macropods must be taken by centrefire rifle in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

RTI DE-RELEASE - EHP

s.49 - Signature

Signed s.49

Michael Joyce
Delegate
Department of Environment and Heritage Protection

RTI DL RELEASE - EHP

STATEMENT OF REASONS

Statement of reasons provided pursuant to section 33 of the Judicial Review Act 1991.

Applicant's name	s.49 [redacted]
Decision maker	The delegate of the chief executive in accordance with the delegation given under section 141 of the *Nature Conservation Act 1992* **(the Act)**
Decision	Granted
Date of decision	25.02.2014

Introduction

On 24 February 2014, s.49 [redacted] lodged an application for a damage mitigation permit (culling and dispersal of wildlife) to take 800 Agile Wallabies.

On 25/02/2014, after consideration of the material before me under section 185 of the *Nature Conservation (Wildlife Management) Regulation 2006* I Michael Joyce signed a letter to s.49 [redacted] confirming my decision.

Relevant legislation

The *Nature Conservation (Wildlife Management) Regulation 2006* **(the Wildlife Management Regulation)** chapter 3, part 4, division 2 governs the grant of damage mitigation permits (DMP) for animals as follows:

Section 182 provides that I may grant a damage mitigation permit for a least concern animal.

Section 184 provides that I may grant a DMP only for one or both of the following purposes:
(a) to prevent damage or loss caused, or likely to be caused, by a protected animal;
(b) to prevent or minimise a threat, or potential treat, to human health and wellbeing caused by a protected animal.

Section 185 provides that a DMP may be granted for damage or loss caused by a protected animal only if I am satisfied–

(a) the animal is causing, or may cause, damage; and
(b) the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
(c) if the damage is no prevented or controlled-
    (i) individuals may suffer significant economic loss; or
    (ii) the ecological sustainability of nature is likely to be harmed;' and
(d) action under the permit will not adversely affect the survival of the animal in the wild; and
(e) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.

RTI DL RELEASE - EHP

Section 25 of the *Nature Conservation (Administration) Regulation 2006* **(the Administration Regulation)** provides that in considering an application I must have regard to each of the following-

(a) The impact the activities that may be carried out under the DMP may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
(b) The effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
(c) Any contribution the applicant proposes to make to the conservation of nature;
(d) Any relevant Australian or international code, instrument, protocol or standard or nay relevant intergovernmental agreement;
(e) The precautionary principle;
(f) Public health and safety
(g) The public interest
(h) Whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation;
(i) Any recovery plan for wildlife to which the authority applies.

Pursuant to section 25(2) of the Administration Regulation I may have regard to anything else I consider appropriate to achieve the object of the Act.

Material on which the findings of fact were made

In arriving at my decision I had before me the following material for consideration:

- *Nature Conservation Act 1992,* (The Act), the Wildlife Management Regulation and the Administration Regulation 2006
- Damage Mitigation Permit Application submitted 24 February 2014
- Damage Mitigation Permit Application Officer site Assessment completed on 13 February 2014 by Michael Joyce, Anthony Frisby and Sally Morris

Findings of fact

I assessed the application against the requirements of the Nature Conservation legislation and made the following findings of fact: Conditions are included in the findings of fact.

Legislative requirement	Finding
Section 182 of the Wildlife Management Regulation	Agile Wallabies are a species of least concern by virtue of Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*
Section 185(1)(a) of the Wildlife Management Regulation	I am satisfied that the animal is causing, or may cause damage to the property as the large numbers of animals present have caused significant damage to pastures and crops. Evidence of the damage was witnessed by EHP officers during a site inspection on 13 February 2014
Section 185(1)(b)	I am satisfied the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the

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	damage as the numbers present are high. Landholder has used non-lethal mitigation methods to remove the animals including chasing them through paddocks on motor bikes, erecting fencing, reducing water availability and keeping grass low by mowing and slashing, however these have been unsuccessful.
Section 185(1)(c)	I am satisfied that if the damage is not prevented or controlled individuals may suffer significant economic loss as the landholder cannot place cattle on the property because the country that would normally carry 2-3 head of cattle per hectare is currently not capable of carrying 1 head per hectare due to the amount of wallabies. Expected losses are in the thousands of dollars. The loss is determined by the property having the capabilities of carrying 2-3 head per hectare and the current capacity of less than 1 head per hectare. Each animal is valued s.49 [redacted]
Section 185(1)(d)	I am satisfied that action under the permit will not adversely affect the survival of the animal in the wild because numbers issued will remain low and species are abundant locally. Recommendations for DMP numbers to be taken are based on number estimated by the applicant and whilst conducting a site assessment.
Section 185(1)(e)	I am satisfied that the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal because the shooting will be conducted by a licensed firearm holder. Any action to be taken will be in accordance with the national Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes especially for dealing with females and their young as conditioned on the permit. Also, accurate records of animals shot under this permit must be recorded in the return form provided and the return of operations form to be sent to EHP within 10 business days after each 3 month period.
Section 186(b)	I am satisfied that action under the permit will not detrimentally affect the survival of the animal in the wild because the local population is well established and the number of animal's issued will not impact the whole population.
Section 186(c)	I am satisfied the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal (see Section 185(1)(e))

RTI DISCLOSURE - EHP

I have considered matters under Section 25 (1) (a-h) and (2) of the Administration Regulation.

As a result I have made the following conditions applicable to this permit in regard to public health, safety and interest.

General Permit Conditions:

Agency Interest: General

PG 1 - Additional Information:
1. Neighbours, Police and the relevant Local Authority should be notified prior to commencement of operations.
2. Bird Frite and/or other non-lethal deterrent methods are to be used in conjunction with this permit
3. Taking can occur only within the boundaries of the landholder's property
4. Carcasses to be disposed of in an appropriate manner
5. Lethally taken female macropods are to be checked for pouch young. Pouch young and young at foot macropods are to be dealt with in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

PG 2 - Persons authorised to undertake culling and dispersal under this permit include only the following:
1. s.49 [redacted]

Agency Interest: Biodiversity

PB 1 - Accurate records of animals shot under this permit must be recorded in the return form provided.
These must be made at the end of each day/night that the animals are taken.

Conditions for: Culling Wildlife to prevent damage or loss

Agency Interest: General
A1G1 - Important notes:
A Return of operations form must be sent to EHP within 10 business days after each [3 month period/s], and you must keep a copy for your records. If the Return of operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the following EHP website link:
http://www.ehp.qld.gov.au/licences-permits/plantsanimals/return_of_operations.html

Agency Interest: Biodiversity

A1B1 Macropods
1. Macropods must be taken by centrefire rifle in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

RTI DL RELEASE - EHP

Reasons for making the decision

I was satisfied of all the matters set out in section 185 of the Wildlife Management Regulation have been met and accordingly I was able to grant a DMP.

s.49 - Signature

[redacted]

Michael Joyce [redacted]
Delegate
Department [redacted] & Heritage Protection

RTI DL RELEASE - EHP

RECEIVED
24 FEB 2014

Application form

Section 12(a) – Nature Conservation (Administration) Regulation 2006

OFFICIAL USE ONLY

DATE RECEIVED

FILE REF

PROJECT REF

COMPLETE FORM ☐ CORRECT AA ☐

COMPLETE FEE ☐

ADMINISTERING DISTRICT

ENTERED BY (SIGNATURE)

DATE

Damage mitigation permit (culling and dispersal of wildlife)

Important information for applicants

This form is to be used to apply for a damage mitigation permit for the purpose of culling and dispersal of wildlife (**note: a separate application form is required for lethal take of flying-foxes damaging crops**). Information requested will enable your application to be processed as prescribed by the *Nature Conservation Act 1992*. A damage mitigation permit may be granted for a maximum period of twelve months, unless you operate under an approved property management plan (PMP), when it may be granted for a maximum period of three years. If you wish to submit a PMP for approval and receive a damage mitigation permit for up to three years please contact Permit and Licence Management on 1300 130 372 for the appropriate PMP template form to accompany this application. Your application must be assessed and a permit granted by the chief executive before you can proceed with the proposed activity. Your application may take up to 40 business days to process.

Before completing your application please read the information materials included with your application kit. Before lodging this application you should be familiar with the requirements of the Nature Conservation Act available from the Office of the Queensland Parliamentary Counsel website http://www.legislation.qld.gov.au. If you have queries about how to complete this form correctly or need guidance contact the Permit and Licence Management on **1300 130 372**.

RTI DE RELEASE - EIP

Applicant information

A wildlife authority may only be granted to an individual or corporation (only if the corporation has an office within Queensland). Please tick the appropriate box:

☐ AN INDIVIDUAL→ **Complete** Section 1 **applicant details — then complete sections 3 to 11**

☐ A CORPORATION → **Complete** Section 2 **applicant details — then complete sections 3 to 11.**

1. Applicant details for an individual

APPLICANT'S FAMILY NAME s.49 [redacted]

TITLE s.49 [redacted]

APPLICANT'S GIVEN NAME/S s.49 [redacted]

DATE OF BIRTH s.49 [redacted]

RESIDENTIAL ADDRESS (NOT A POST OFFICE BOX) s.49 [redacted]

POST CODE s.49 [redacted]

ABN 46 640 294 485

TELEPHONE (BUSINESS HOURS) | MOBILE | FACSIMILE

TELEPHONE (AFTER HOURS) s.49 [redacted]	EMAIL s.49 [redacted]	
POSTAL ADDRESS (WRITE 'AS ABOVE" IF SAME AS RESIDENTIAL ADDRESS) as above.		POST CODE

2. Application details for corporations

REGISTERED LEGAL ENTITIY NAME (NOT A BUSINESS TRADING NAME) s.49 [redacted]		
REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX) s.49 [redacted]		POST CODE s.49 [redacted]
TELEPHONE (BUSINESS HOURS) s.49 [redacted]	FACSIMILE —	
EMAIL s.49 [redacted]	WEBSITE NA	
POSTAL ADDRESS (WRITE 'AS ABOVE' IF SAME AS RESIDENTIAL ADDRESS) as above.		POST CODE
ABN / ACN / AN, OR TITLE AND SECTION OF LEGISLATION UNDER WHICH CORPORATION HAS LEGAL STATUS s.49 [redacted]		
NAME OF PRINCIPAL OF CORPORATION s.49 [redacted]		
SIGNATURE OF PRINCIPAL OF CORPORATION (or person authorised to sign on their behalf) s.49 [redacted]		DATE 29-2-14

RTI DL RELEASE - EHP

Details of nominated person in charge where the licensed activity is to be undertaken

NOMINATED CONTACT PERSON'S FAMILY NAME s.49 [redacted]		TITLE s.49 [redacted]
NOMINATED CONTACT PERSON'S GIVEN NAME/S s.49 [redacted]		DATE OF BIRTH s.49 [redacted]
RESIDENTIAL ADDRESS (NOT A POST OFFICE BOX) s.49 [redacted]		POSTCODE s.49 [redacted]
TELEPHONE (BUSINESS HOURS) s.49 [redacted]	MOBILE s.49 [redacted]	FACSIMILE
TELEPHONE (AFTER HOURS) s.49 [redacted]	EMAIL s.49 [redacted]	
POSTAL ADRESS (WRITE 'AS ABOVE' IF SAME AS RESI as above.		

3. Have you previously held this type of permit?

This may include permits in other States.

Yes ☐ No ☑ If yes, state the permit number (if known)

If yes, has the 'return of operations' been submitted? ☐ Yes ☐ No

(A return of operation is due for each 3 month period during the life of the permit)

If no, a permit may not be issued until returns are submitted.

4. Provide the name(s) of the persons(s) operating under this permit

FAMILY NAME s.49 [redacted]	GIVEN NAME s.49 [redacted]
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME

RTI DL RELEASE - EHP

5. What is your reason for applying for this permit? (e.g. damage to pastures, grains, crops, threat to human health and well-being etc.)

STATEMENT OF REASONS

Damage to Pastures & Crops.
Threat to human health & well being
Stop erosion. soil.

6. Outline monetary loss experienced

Loss off money due to crops. & pastures.
No add. Cost off poisons & machinery to control weeds.
cost off land Tax. as unable to produce, crops etc

7. What previous damage mitigation method(s) have you tried (if any) and was this successful?

(You must be able to demonstrate that you have tried a combination of at least two non-lethal methods before a lethal damage mitigation permit application will be considered)

PREVIOUS METHOD/S

Removal Remove Water Sources, Chasing animals with 4wheel Motorbikes, etc - keeping grass Low. Keep mowing + Slashing.

8. Activity location

Where will the activities be conducted? Provide the street address, real property description(s) of the land(s) in which the project is located and local government area. If you require more space, attach a separate sheet.

STREET ADDRESS

s.49 [redacted]

C.C. R.C.

If possible provide a specific location, a property name or an attached map with the location clearly delineated. Also include the map name/details.

SPECIFIC LOCATION/PROPERTY NAME

s.49 [redacted]

9. Wildlife details

What wildlife does the application refer to?

(If you require more space, attach a separate sheet of wildlife details)

COMMON NAME	SCIENTIFIC NAME	QUANTITY
Agile Wallaby		800.

RTI DL RELEASE - EHP

10. What are the approximate start and completion dates of the project?

START DATE	FINISH DATE
20-2-14	2-2-15

11. Weapons Act licence number

If you intend to use a firearm to take wildlife please give your Weapons Act licence number and attach a photocopy of your licence or have your licence sighted and your application witnessed by a Queensland Parks and Wildlife Service officer, a Queensland Police Officer or a Commissioner for Declarations/Justice of the Peace.

Licence details

NAME ON LICENCE s.49 [redacted]
LICENCE NUMBER s.49 [redacted]

Witnessing officer (Not required if a copy of your Weapons Act licence is attached)

SIGNATURE	TITLE
FAMILY NAME	
GIVEN NAME/S	

If you require additional space, attach a separate sheet of Weapons Act licence details.

12. Applicant suitability

The permit may be granted if the applicant is an appropriate person to hold the permit, that is, if the applicant has the ability to carry out activities under the authority in a competent and ethical way.

QUESTIONS		DETAILS
1. During the past 10 years have you ever (in Queensland or elsewhere) been found guilty of any criminal offence or entered a plea of guilty in a Court? (Note: does not include simple traffic offences such as parking, speeding). If yes, provide details of the offence/s.	☐ YES ☑ NO	
2. Have you ever had an equivalent permit from another State, Territory or country that was suspended and/or cancelled? If yes, provide details about the permit, the date it was suspended and/or cancelled and reasons for suspension/cancellation.	☐ YES ☑ NO	

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13. Declaration

Note: If you have not told the truth in this application you may be liable for prosecution under the relevant Acts or Regulations.

- I do solemnly and sincerely declare that the information provided 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 on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

APPLICANT'S NAME	
s.49 [redacted]	
APPLICANT'S SIGNATURE s.49 [redacted]	DATE 29-2-14
IF THE APPLICANT IS A CORPORATION, PLEASE INDICATE YOUR POSITION IN THE CORPORATION Director	

14. Applicant checklist

- ☑ Application form completed, signed and dated
- ☑ Supporting information and accreditation attached (if applicable)

Please return your completed application kit to:

Permit and Licence Management
Department of Environment and Heritage Protection
GPO Box 2454
Brisbane
Queensland 4001

Enquiries: **1300 130 372**
Facsimile: (07) 3330 5875
Email: palm@ehp.qld.gov.au

Code of Practice or guidelines may be obtained from the EHP website http://www.ehp.qld.gov.au or by contacting the EHP Referral Centre on 1300 130 372.

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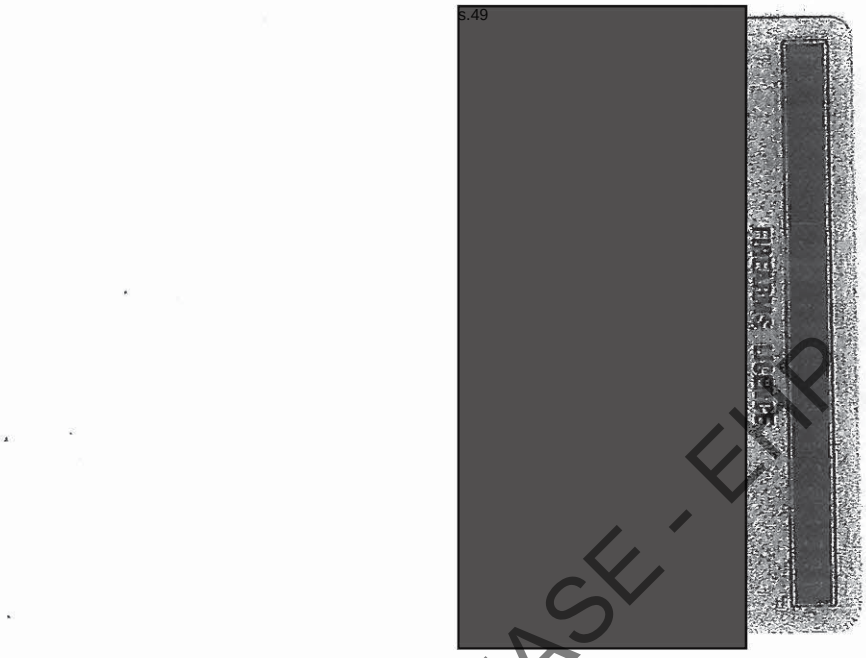

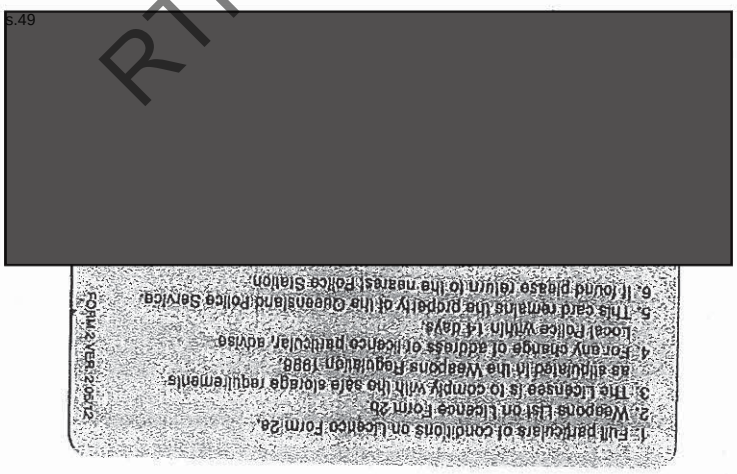

RTI DL RELEASE - EXP

Notice of decision - permit[1] application

This notice is issued by the administering authority to advise of a statutory decision on a permit application.

s.49 [redacted]

Our reference: 413289

Dea s.49 [redacted]

Re: Decision made in relation to your application

Your application received on 24-FEB-2014 has been assessed and the decision in regard to your application is specified below:

Permit applied for	Permit Number	Decision
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If you require more information, please contact Sally Morris on the telephone number listed below.

s.49 - Signature [redacted]

Michael Joyc s.49 [redacted]
Department o ment and Heritage Protection
Date
25/2/14

Enquiries:
Wildlife - Savanna - QPW
PO Box 375
GARBUTT EAST QLD 4814
Phone: (07) 4796 7775

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Permit[1]

This permit is issued under the following legislation:

S12(A) Nature Conservation (Administration) Regulation 2006

Damage Mitigation Permit

RTI DL RELEASE - EHP

Permit number: WIMP14211914

Valid from: 26-FEB-2014 **to** 25-FEB-2015

Parties to the Permit

Role	Name	Address
Principal Holder	s.49 [redacted]	s.49 [redacted]

Permitted Location Activity Details

Location (s)	Activity (s)
s.49 [redacted]	Culling Wildlife to prevent damage or loss

Permit Details

Species Details

Location	Activity
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Common Name	*Scientific Name*	*Category*	*Quantity*
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Agency Interest: Biodiversity

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PT FOR RELEASE - EHP

s.49 - Signature

[redacted]

Delegate
Department of Environment and Heritage Protection

RTI DL RELEASE - EHP

STATEMENT OF REASONS

Statement of reasons provided pursuant to section 33 of the Judicial Review Act 1991.

Applicant's name	s.49 [redacted]
Decision maker	The delegate of the chief executive in accordance with the delegation given under section 141 of the *Nature Conservation Act 1992* **(the Act)**
Decision	Granted
Date of decision	25.02.2014

Introduction

On 24 February 2014, s.49 [redacted] lodged an application for a damage mitigation permit (culling and dispersal of wildlife) to take 800 Agile Wallabies.

On 25/02/2014, after consideration of the material before me under section 185 of the *Nature Conservation (Wildlife Management) Regulation 2006* I, Michael Joyce signed a letter to s.49 [redacted] confirming my decision.

Relevant legislation

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Section 182 provides that I may grant a damage mitigation permit for a least concern animal.

Section 184 provides that I may grant a DMP only for one or both of the following purposes:
(a) to prevent damage or loss caused, or likely to be caused, by a protected animal;
(b) to prevent or minimise a threat, or potential treat, to human health and wellbeing caused by a protected animal.

Section 185 provides that a DMP may be granted for damage or loss caused by a protected animal only if I am satisfied–

(a) the animal is causing, or may cause, damage; and
(b) the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
(c) if the damage is no prevented or controlled-
  (i) individuals may suffer significant economic loss; or
  (ii) the ecological sustainability of nature is likely to be harmed;' and
(d) action under the permit will not adversely affect the survival of the animal in the wild; and
(e) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.

RTI DL RELEASE - EHP

Section 25 of the *Nature Conservation (Administration) Regulation 2006* **(the Administration Regulation)** provides that in considering an application I must have regard to each of the following-

(a) The impact the activities that may be carried out under the DMP may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
(b) The effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
(c) Any contribution the applicant proposes to make to the conservation of nature;
(d) Any relevant Australian or international code, instrument, protocol or standard or nay relevant intergovernmental agreement;
(e) The precautionary principle;
(f) Public health and safety
(g) The public interest
(h) Whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation;
(i) Any recovery plan for wildlife to which the authority applies.

Pursuant to section 25(2) of the Administration Regulation I may have regard to anything else I consider appropriate to achieve the object of the Act.

Material on which the findings of fact were made

In arriving at my decision I had before me the following material for consideration:

- *Nature Conservation Act 1992,* (The Act), the Wildlife Management Regulation and the Administration Regulation 2006
- Damage Mitigation Permit Application submitted 24 February 2014
- Damage Mitigation Permit Application Officer site Assessment completed on 13 February 2014 by Michael Joyce, Anthony Frisby and Sally Morris

Findings of fact

I assessed the application against the requirements of the Nature Conservation legislation and made the following findings of fact: Conditions are included in the findings of fact.

Legislative requirement	Finding
Section 182 of the Wildlife Management Regulation	Agile Wallabies are a species of least concern by virtue of Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*
Section 185(1)(a) of the Wildlife Management Regulation	I am satisfied that the animal is causing, or may cause damage to the property as the large numbers of animals present have caused significant damage to pastures and crops. Evidence of the damage was witnessed by EHP officers during a site inspection on 13 February 2014
Section 185(1)(b)	I am satisfied the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the

RTI DI RELEASE - EHP

	damage as the numbers present are high. Landholder has used non-lethal mitigation methods to remove the animals including chasing them through paddocks on motor bikes, erecting fencing, reducing water availability and keeping grass low by mowing and slashing, however these have been unsuccessful.
Section 185(1)(c)	I am satisfied that if the damage is not prevented or controlled individuals may suffer significant economic loss as the landholder cannot place cattle on the property because the country that would normally carry 2-3 head of cattle per hectare is currently not capable of carrying 1 head per hectare due to the amount of wallabies. Expected losses are in the thousands of dollars. The loss is determined by the property having the capabilities of carrying 2-3 head per hectare and the current capacity of less than 1 head per hectare. Each animal is valued s.49 [redacted]
Section 185(1)(d)	I am satisfied that action under the permit will not adversely affect the survival of the animal in the wild because numbers issued will remain low and species are abundant locally. Recommendations for DMP numbers to be taken are based on number estimated by the applicant and whilst conducting a site assessment.
Section 185(1)(e)	I am satisfied that the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal because the shooting will be conducted by a licensed firearm holder. Any action to be taken will be in accordance with the national Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes especially for dealing with females and their young as conditioned on the permit. Also, accurate records of animals shot under this permit must be recorded in the return form provided and the return of operations form to be sent to EHP within 10 business days after each 3 month period.
Section 186(b)	I am satisfied that action under the permit will not detrimentally affect the survival of the animal in the wild because the local population is well established and the number of animal's issued will not impact the whole population.
Section 186(c)	I am satisfied the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal (see Section 185(1)(e))

I have considered matters under Section 25 (1) (a-h) and (2) of the Administration Regulation.

As a result I have made the following conditions applicable to this permit in regard to public health, safety and interest.

General Permit Conditions:

Agency Interest: General

RTI DISCLOSE-EHP

PG 1 - Additional Information:
1. Neighbours, Police and the relevant Local Authority should be notified prior to commencement of operations.
2. Bird Frite and/or other non-lethal deterrent methods are to be used in conjunction with this permit
3. Taking can occur only within the boundaries of the landholder's property
4. Carcasses to be disposed of in an appropriate manner
5. Lethally taken female macropods are to be checked for pouch young. Pouch young and young at foot macropods are to be dealt with in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

PG 2 - Persons authorised to undertake culling and dispersal under this permit include only the following:
1. s.49 [redacted]

Agency Interest: Biodiversity

PB 1 - Accurate records of animals shot under this permit must be recorded in the return form provided.
These must be made at the end of each day/night that the animals are taken.

Conditions for: Culling Wildlife to prevent damage or loss

Agency Interest: General
A1G1 - Important notes:
A Return of operations form must be sent to EHP within 10 business days after each [3 month period/s], and you must keep a copy for your records. If the Return of operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the following EHP website link:
http://www.ehp.qld.gov.au/licences-permits/plantsanimals/return_of_operations.html

Agency Interest: Biodiversity

A1B1 Macropods
1. Macropods must be taken by centrefire rifle in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

RTI DE-RELEASE - EHP

Reasons for making the decision

I was satisfied of all the matters set out in section 185 of the Wildlife Management Regulation have been met and accordingly I was able to grant a DMP.

s.49 - Signature

[redacted]

Michael Joy[redacted]
Delegate
Department [redacted]onment & Heritage Protection

RTI DL RELEASE - EHP

Queensland Government
Queensland Parks and Wildlife Service

DAMAGE MITIGATION PERMIT ASSESSMENT

DATE: 13/02/2014	**LOCATION:** s.49 [redacted] s.49 [redacted]
TOWN/CITY: s.49 [redacted]	
APPLICANT/S s.49 [redacted]	
PHONE: (07)40 688934	**FAX NO:**
COMPANY NAME (If applicable):	
PROPERTY INSPECTED: Yes	

Background on DMP Assessment Request:

s.49 [redacted] has applied for a Damage Mitigation Permit (DMP) to manage high population numbers of Agile Wallaby (*Macropus Agilis*) on his property at s.49 [redacted]

1.What damage is being experienced?:

The large amount of Wallabies on s.49 [redacted] property has reduced the amount of ground vegetation to the extent that he is experiencing erosion and had to reduce the number of livestock on his property. Due to dry conditions the wallabies have reduced the grass ground cover allowing invasive weed to take over the underlying stock feed therefore substantially reducing the opportunity for income through cattle grazing.

2.Is the damage extensive and throughout the crop?:

The damage is extensive across the landscape. When assessment was being conducted it was evident that the wallabies were chewing the grass to the roots and s.49 [redacted] showed us evidence of where the Wallabies were pulling the grass right out of the ground therefore increasing the opportunity for invasive weeds.

3.What is the monetary loss suffered by the landholder last season?:

The landholder cannot place cattle on the property because the country that would normally carry 2-3 head of cattle per hectare is currently not capable of carrying 1 head per hectare due to the amount of wallabies. Expected losses are in the thousands of dollars.

4. How is this loss determined?:

The loss is determined by the property having the capabilities of carrying 2-3 head per hectare and the current capacity of less than 1 head per hectare. Each animal is valued s.49 [redacted]

5.What methods have been used to deter the wildlife from the crops?:

- 4 strand barbed wire fence has been erected to deter wallabies.
- Quad bikes have been used to scare Wallabies off remaining grazing areas.
- Using vehicle horns to drive animals from areas within the property

6.If only lethal methods have been employed explain why no other methods have been used?:

N/A

7. What species of wildlife causes damage to the crop?:

Agile Wallaby *(Macropus agilis)*

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8. Has the landholder sought information on non-lethal methods of control?:
Yes. He has requested EHP for further information on deterrents.
9. Does the landholder intend to utilise non-lethal controls in the future?:
Yes. He will continue to use, but does not believe they are having much success.
10. Do the landholder's current management practices influence the wildlife visiting their crops?:
Yes. It is a cattle property and therefore Wallabies are attracted to the block for food.
11. Will the landholder advise QPWS daily of the numbers of each wildlife being taken?:
The requirement to submit a Return of Operations for every three month period, within 10 business days was explained to the Landholder. The Landholder agreed to submit these documents to the departmental Permit and Licencing Unit as per permit conditions.
12.Is this permit being sought in anticipation of potential damage?:
This permit is sought for ongoing damage.
13. Does the landholder consider destruction of wildlife an effective means of control as opposed to dettering or exclusion?:
The Landholder has been conducting non-lethal methods of managing and controlling the Agile Wallaby population on his property for the last three years however this has been ineffective. As a result the Landholder is now applying for a DMP to control the population via lethal means. The Landholder has stated that both non-lethal and lethal methods will continue to utilised under the DMP if granted.

OFFICE USE ONLY: To be completed by assessing officer

Would the number of wildlife requested by the landholder on the DMP application cause some conservation concern in terms of that species ability to survive?:
No.
How has this decision been arrived at? (references, communications):

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- Site visit and population count on 4 February 2014 confirming damage
- Damage Mitigation Permit assessment/site visit including photographs taken on 14 February 2014
- Agile Wallaby population surveys conducted in the South Mission Beach area over the last year by Department of Environment and Heritage Protection (DEHP) Officers to support the connotation that the permit will not adversely affect the survival of the species in the wild. Survey data can be found at G:\NQWildlife\Wildlife\Mammals\Macropods\South Mission Beach surveys
- Legislation: *Nature Conservation Act 1992* and the *Wildlife Management Regulation and the Administration Regulation 2006*
- Information from DMP application form submitted on 24 February 2014
- Tax invoices supplied and verbal statements made demonstrating significant monetary loss
- Ongoing non-lethal control measures used for the last three years to prevent or minimise damage

The way of taking the animals will be humane as per the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-Commercial Purposes. Also, a professional shooter with a current weapons licence will operate under the permit and conduct control activities.

Is the method used to take the wildlife inhumane or likely to cause suffering to the animal?

No. It will comply with the code of practice.

Is there evidence that wildlife has been taken prior to this inspection and outside the period of a permit?:

No.

How was this substantiated?:

An inspection of the property was undertaken.

INSPECTION OFFICER: Tony Frisby

LOCATION: Townsville	**PHONE:** 4796 7785

DATE INSPECTED: 13/02/2014

APPROVAL RECOMMENDED: Yes

SIGNATURE OF INSPECTING OFFICER:

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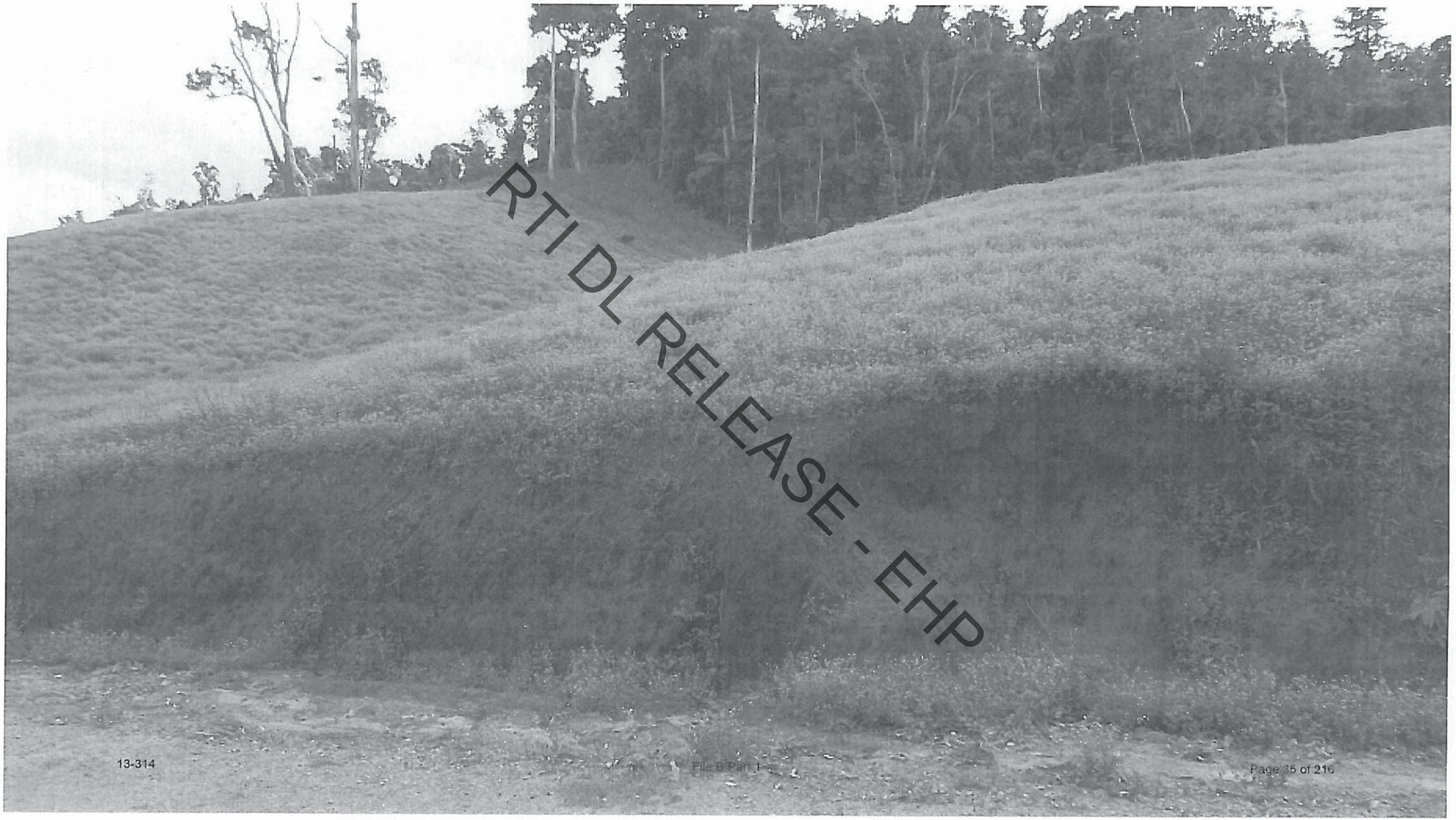

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s.49

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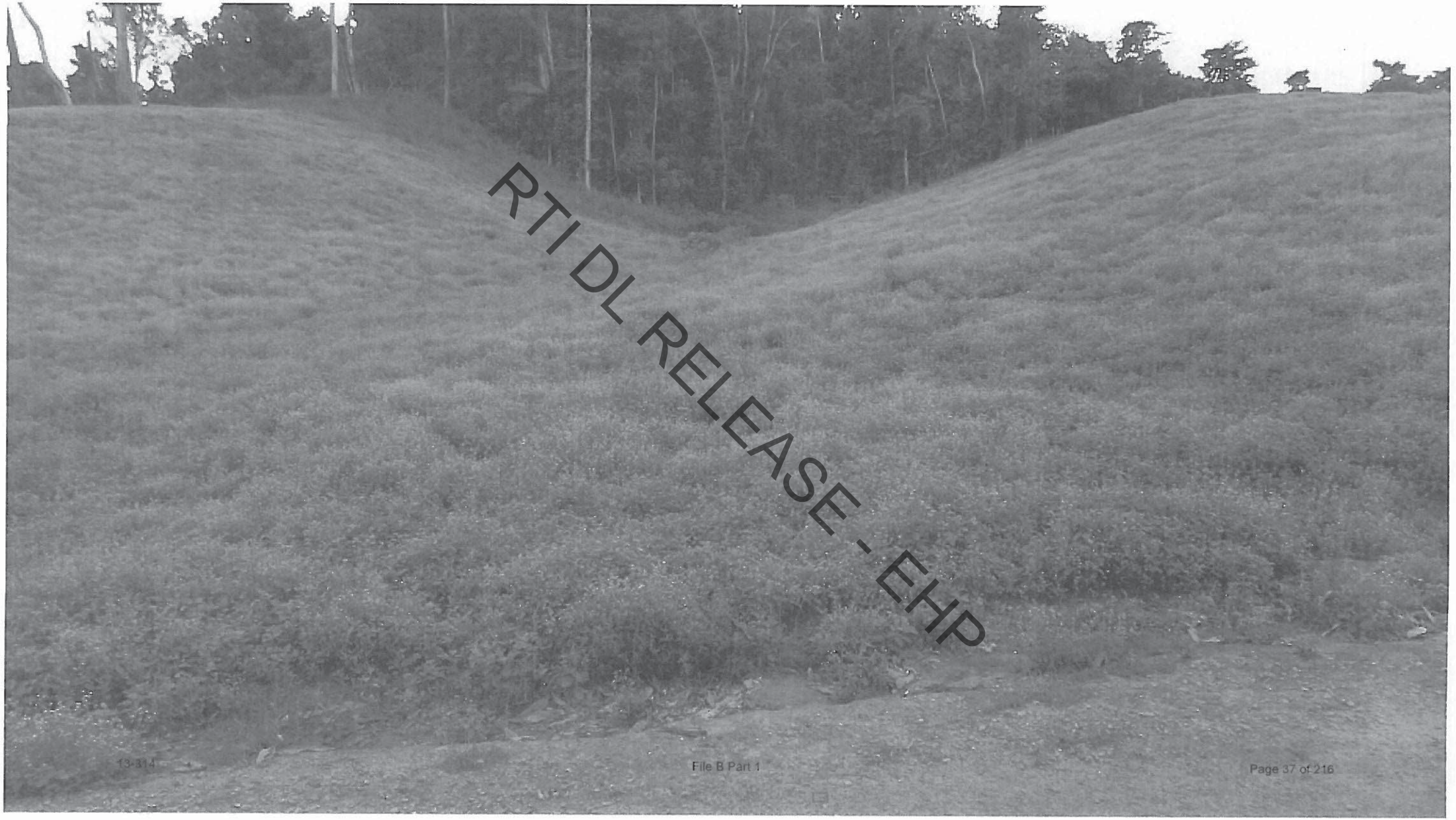

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RECEIVED
24 FEB 2014

Application form

Section 12(a) – Nature Conservation (Administration) Regulation 2006

OFFICIAL USE ONLY

DATE RECEIVED

FILE REF

PROJECT REF

COMPLETE FORM ☐ CORRECT AA ☐

COMPLETE FEE ☐

ADMINISTERING DISTRICT

ENTERED BY [SIGNATURE]

DATE

Damage mitigation permit (culling and dispersal of wildlife)

Important information for applicants

This form is to be used to apply for a damage mitigation permit for the purpose of culling and dispersal of wildlife (**note: a separate application form is required for lethal take of flying-foxes damaging crops**). Information requested will enable your application to be processed as prescribed by the *Nature Conservation Act 1992*. A damage mitigation permit may be granted for a maximum period of twelve months, unless you operate under an approved property management plan (PMP), when it may be granted for a maximum period of three years. If you wish to submit a PMP for approval and receive a damage mitigation permit for up to three years please contact Permit and Licence Management on 1300 130 372 for the appropriate PMP template form to accompany this application. Your application must be assessed and a permit granted by the chief executive before you can proceed with the proposed activity. Your application may take up to 40 business days to process.

Before completing your application please read the information materials included with your application kit. Before lodging this application you should be familiar with the requirements of the Nature Conservation Act available from the Office of the Queensland Parliamentary Counsel website http://www.legislation.qld.gov.au. If you have queries about how to complete this form correctly or need guidance contact the Permit and Licence Management on **1300 130 372**.

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Applicant information

A wildlife authority may only be granted to an individual or corporation (only if the corporation has an office within Queensland). Please tick the appropriate box:

☐ AN INDIVIDUAL→ **Complete Section 1 applicant details — then complete sections 3 to 11**

☐ A CORPORATION → **Complete Section 2 applicant details — then complete sections 3 to 11.**

1. Applicant details for an individual

APPLICANT'S FAMILY NAME s.49 [redacted]

TITLE s.49 [redacted]

APPLICANT'S GIVEN NAME/S s.49 [redacted]

DATE OF BIRTH s.49 [redacted]

RESIDENTIAL ADDRESS (NOT A POST OFFICE BOX) s.49 [redacted]

POST CODE s.49 [redacted]

ABN 46 640 294 485

TELEPHONE (BUSINESS HOURS) | MOBILE | FACSIMILE

TELEPHONE (AFTER HOURS) s.49 [redacted]	EMAIL s.49 [redacted]	
POSTAL ADDRESS (WRITE 'AS ABOVE' IF SAME AS RES		
as above.		

2. Application details for corporations

REGISTERED LEGAL ENTITIY NAME (NOT A BUSINESS TRADING NAME) s.49 [redacted]		
TRADING NAME/S (IF APPLICABLE) [redacted]		
REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX) s.49 [redacted]		POST CODE s.49 [redacted]
TELEPHONE (BUSINESS HOURS) s.49 [redacted]	FACSIMILE —	
EMAIL s.49 [redacted]	WEBSITE NA	
POSTAL ADDRESS (WRITE 'AS ABOVE' IF SAME AS RESIDENTIAL ADDRESS) as above.		POST CODE
ABN / ACN / AN, OR TITLE AND SECTION OF LEGISLATION UNDER WHICH CORPORATION HAS LEGAL STATUS s.49 [redacted]		
NAME OF PRINCIPAL OF CORPORATION s.49 [redacted]		
SIGNATURE OF PRINCIPAL OF CORPORATION (person authorised to sign on their behalf) s.49 [redacted]		DATE 29-2-14

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Details of nominated person in charge where the licensed activity is to be undertaken

NOMINATED CONTACT PERSON'S FAMILY NAME s.49 [redacted]		TITLE s.49 [redacted]
NOMINATED CONTACT PERSON'S GIVEN NAME/S s.49 [redacted]		DATE OF BIRTH s.49 [redacted]
RESIDENTIAL ADDRESS (NOT A POST OFFICE BOX) s.49 [redacted]		POSTCODE s.49 [redacted]
TELEPHONE (BUSINESS HOURS) s.49 [redacted]	MOBILE s.49 [redacted]	FACSIMILE
TELEPHONE (AFTER HOURS) s.49 [redacted]	EMAIL s.49 [redacted]	
POSTAL ADRESS (WRITE 'AS ABOVE' IF SAME AS RESI		
as above.		

3. Have you previously held this type of permit?

This may include permits in other States.

Yes ☐ No ☑ If yes, state the permit number (if known)

If yes, has the 'return of operations' been submitted? ☐ Yes ☐ No

(A return of operation is due for each 3 month period during the life of the permit)

If no, a permit may not be issued until returns are submitted.

4. Provide the name(s) of the persons(s) operating under this permit

FAMILY NAME s.49 [redacted]	GIVEN NAME s.49 [redacted]
FAM	
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME

RTI DL RELEASE - EHP

5. What is your reason for applying for this permit? (e.g. damage to pastures, grains, crops, threat to human health and well-being etc.)

STATEMENT OF REASONS

Damage to Pastures & Crops.
Threat to Human health & well being.
Stop erosion. soil.

6. Outline monetary loss experienced

Lossoff money due to crops. & pastures.
No add, Cost off pesticides & machinery to control weeds.
cost off Land Tax. as unable to produce, crops etc

7. What previous damage mitigation method(s) have you tried (if any) and was this successful?

(You must be able to demonstrate that you have tried a combination of at least two non-lethal methods before a lethal damage mitigation permit application will be considered)

PREVIOUS METHOD/S

~~Removal~~ Remove Water Sources, Chasing animals with 4wheel Motorbikes, etc.
Keeping grass Low. Keep mowing + Slashing.

8. Activity location

Where will the activities be conducted? Provide the street address, real property description(s) of the land(s) in which the project is located and local government area. If you require more space, attach a separate sheet.

STREET ADDRESS

s.49 [redacted]

LOT

LOCAL GOVERNMENT AREA

C.C.R.C.

If possible provide a specific location, a property name or an attached map with the location clearly delineated. Also include the map name/details.

SPECIFIC LOCATION/PROPERTY NAME

s.49 [redacted]

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RTI DL RELEASE - EHP

9. Wildlife details

What wildlife does the application refer to?

(If you require more space, attach a separate sheet of wildlife details)

COMMON NAME	SCIENTIFIC NAME	QUANTITY
Agile Wallaby		800.

10. What are the approximate start and completion dates of the project?

START DATE	FINISH DATE
20-2-14	2-2-15

11. Weapons Act licence number

If you intend to use a firearm to take wildlife please give your Weapons Act licence number and attach a photocopy of your licence or have your licence sighted and your application witnessed by a Queensland Parks and Wildlife Service officer, a Queensland Police Officer or a Commissioner for Declarations/Justice of the Peace.

Licence details

NAME ON LICENCE s.49 [redacted]
LI s.49 [redacted]

Witnessing officer (Not required if a copy of your Weapons Act licence is attached)

SIGNATURE	TITLE
FAMILY NAME	
GIVEN NAME/S	

If you require additional space, attach a separate sheet of Weapons Act licence details.

12. Applicant suitability

The permit may be granted if the applicant is an appropriate person to hold the permit, that is, if the applicant has the ability to carry out activities under the authority in a competent and ethical way.

QUESTIONS		DETAILS
1. During the past 10 years have you ever (in Queensland or elsewhere) been found guilty of any criminal offence or entered a plea of guilty in a Court? (Note: does not include simple traffic offences such as parking, speeding). If yes, provide details of the offence/s.	☐ YES ☑ NO	
2. Have you ever had an equivalent permit from another State, Territory or country that was suspended and/or cancelled? If yes, provide details about the permit, the date it was suspended and/or cancelled and reasons for suspension/cancellation.	☐ YES ☑ NO	

RTI DL RELEASE - EHP

13. Declaration

Note: If you have not told the truth in this application you may be liable for prosecution under the relevant Acts or Regulations.

- I do solemnly and sincerely declare that the information provided 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 on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

APPLICANT'S NAME	
s.49 [redacted]	
A s.49 [redacted]	DATE 29-2-14
IF THE APPLICANT IS A CORPORATION, PLEASE INDICATE YOUR POSITION IN THE CORPORATION	
Director	

14. Applicant checklist

- ☑ Application form completed, signed and dated
- ☑ Supporting information and accreditation attached (if applicable)

Please return your completed application kit to:

Permit and Licence Management
Department of Environment and Heritage Protection
GPO Box 2454
Brisbane
Queensland 4001

Enquiries: **1300 130 372**
Facsimile: (07) 3330 5875
Email: palm@ehp.qld.gov.au

Code of Practice or guidelines may be obtained from the EHP website http://www.ehp.qld.gov.au or by contacting the EHP Referral Centre on 1300 130 372.

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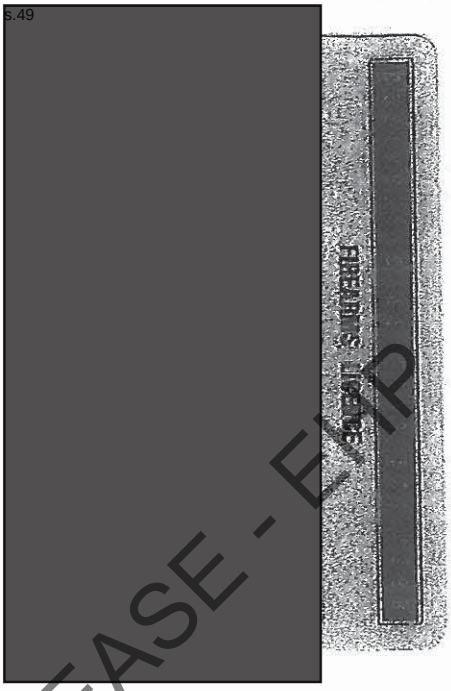

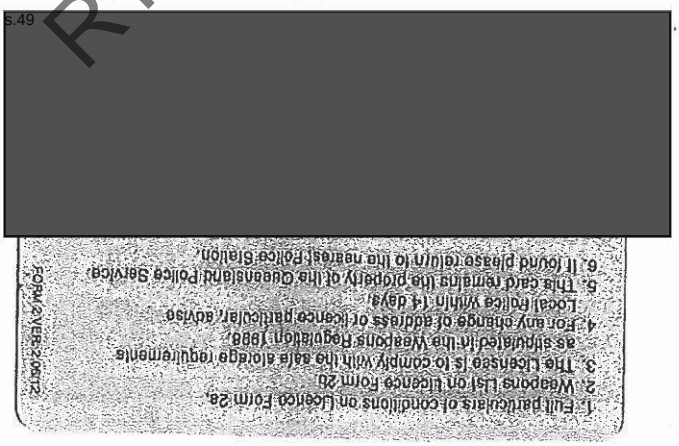

RTI DL RELEASE - EXP

HERRIMAN Karmen

From: Couprie Dayna
Sent: Friday, 29 November 2013 2:28 PM
To: Cook Tayce
Subject: Permit for s.49
Attachments: WIMP13608113.pdf

Hi Tayce,

Please find attached the scanned copy of the DMP for s.49 I will send out the originals from here.

Thanks
Dayna

Dayna Couprie
Wildlife Ranger

Wildlife Management
Department of Environment and Heritage Protection

PO Box 375
Garbutt East LPO, QLD 4814
Phone: (07) 4796 7768
Fax: (07) 4796 7705

Email: dayna.couprie@ehp.qld.gov.au

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Notice of decision - permit[1] application

This notice is issued by the administering authority to advise of a statutory decision on a permit application.

s.49 [redacted]

Our reference: 24099

Dear s.49 [redacted]

Re: Decision made in relation to your application

Your application received on 14-OCT-2013 has been assessed and the decision in regard to your application is specified below:

Permit applied for	Permit Number	Decision
Damage Mitigation Permit under Nature Conservation (Administration) Regulation 2006	WIMP13608113	Granted

For the permit applied for that has been granted, the conditions of approval are attached. Where applicable, a Statement of Reasons is provided in relation to the decision. Please note that for the approval, this Notice of Decision and the relevant attachments constitute the permit documentation. Please retain this approval documentation for your records.

Included with this notice is advice on review and appeal processes that may be available to you. Should you seek a review or appeal, you are advised to seek independent advice before taking such action.

If you require more information, please contact Tayce Cook on the telephone number listed below.

s.49 - Signature [redacted]

Michael Joyce
Department of [redacted] and Heritage Protection
Date 29/11/13

Enquiries:
Wildlife - Cairns - Tingira
PO Box 2066
CAIRNS QLD 4870

Attachment - Permit/Statement of Reasons

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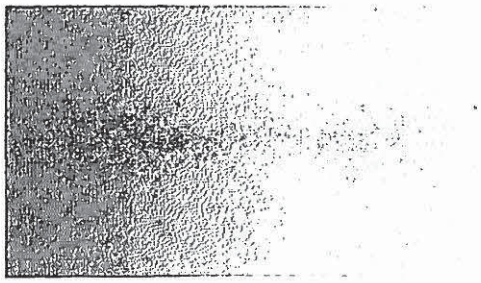
[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.



Permit[1]

This permit is issued under the following legislation:

S12(A) Nature Conservation (Administration) Regulation 2006

Damage Mitigation Permit

Permit number: WIMP13608113

Valid from: 29-NOV-2013 **to** 28-NOV-2014

RTI DL RELEASE - EHP

Parties to the Permit

Role	Name	Address
Principal Holder	s.49 [redacted]	s.49 [redacted]

Permitted Location Activity Details

Location (s)	Activity (s)
s.49 [redacted]	Culling Wildlife to prevent damage or loss

Permit Details

Species Details

Location	Activity
s.49 [redacted]	Culling Wildlife to prevent damage or loss

Common Name	*Scientific Name*	*Category*	*Quantity*
agile wallaby	Macropus agilis	Live	10 Animal/s

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Conditions of Approval

General Permit Conditions

Agency Interest: General

PG1 1. Neighbours, Police and the relevant Local Authority should be notified prior to commencement of operations.
2. Non-lethal deterrent methods are to be used in conjunction with this permit.
3. Taking can occur only within the boundaries of the landholders property.
4. Carcasses to be disposed of in an appropriate manner.

PG2 The following persons are authorised to carry out the permitted activities:
s.49 [redacted]

Conditions for: Culling Wildlife to prevent damage or loss

Agency Interest: General

A1G1 Important notes:
A Return of operations form must be sent to EHP within 10 business days after each 3 month period, and you must keep a copy for your records. If the Return of operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the following EHP website link:
http://www.ehp.qld.gov.au/licences-permits/plants-animals/return_of_operations.html

Agency Interest: Biodiversity

A1B1 Macropods
1. Macropods must be taken by centrefire rifle in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

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s.49 - Signature [redacted]

Signe[redacted]

Michael Joyc[redacted]
Delegate
Department of Environment and Heritage Protection

STATEMENT OF REASONS

Statement of reasons provided pursuant to section 33 of the Judicial Review Act 1991.

Applicant's name	s.49 [redacted]
Decision maker	Michael Joyce, the delegate of the chief executive in accordance with the delegation given under section 141 of the *Nature Conservation Act 1992* **(the Act)**
Decision	Granted
Date of decision	28/11/13

Introduction

On 14th October 2013, s.49 [redacted] lodged an application for a damage mitigation permit (culling and dispersal of wildlife) to take 10 Agile Wallabies *(Macropus agilis)*.

On 28th November 2013, after consideration of the material before me, I, Michael Joyce under section 185 of the *Nature Conservation (Wildlife Management) Regulation 2006* signed a letter to s.49 [redacted] confirming my decision.

Relevant legislation

The *Nature Conservation (Wildlife Management) Regulation 2006* **(the Wildlife Management Regulation)** chapter 3, part 4, division 2 governs the grant of damage mitigation permits (DMP) for animals as follows:

Section 182 provides that I may grant a damage mitigation permit for a least concern animal.

Section 184 provides that I may grant a DMP only for one or both of the following purposes:
(a) to prevent damage or loss caused, or likely to be caused, by a protected animal;
(b) to prevent or minimise a threat, or potential treat, to human health and wellbeing caused by a protected animal.

Section 185 provides that a DMP may be granted for damage or loss caused by a protected animal only if I am satisfied–

(a) the animal is causing, or may cause, damage; and
(b) the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
(c) if the damage is no prevented or controlled-
    (i) individuals may suffer significant economic loss; or
    (ii) the ecological sustainability of nature is likely to be harmed;' and
(d) action under the permit will not adversely affect the survival of the animal in the wild; and
(e) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.

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Section 25 of the *Nature Conservation (Administration) Regulation 2006* **(the Administration Regulation)** provides that in considering an application I must have regard to each of the following-

(a) The impact the activities that may be carried out under the DMP may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
(b) The effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
(c) Any contribution the applicant proposes to make to the conservation of nature;
(d) Any relevant Australian or international code, instrument, protocol or standard or nay relevant intergovernmental agreement;
(e) The precautionary principle;
(f) Public health and safety
(g) The public interest
(h) Whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation;
(i) Any recovery plan for wildlife to which the authority applies.

Pursuant to section 25(2) of the Administration Regulation I may have regard to anything else I consider appropriate to achieve the object of the Act.

Material on which the findings of fact were made

In arriving at my decision I had before me the following material for consideration:

- *Nature Conservation Act 1992, (*The Act), the Wildlife Management Regulation and the Administration Regulation 2006
- Damage Mitigation Permit Application submitted 14th October 2013
- Damage Mitigation Permit Application Assessment dated 28th November 2013
- Photographic evidence supplied by applicant and confirmed by visiting officers showing damage to sugarcane shoots from wallabies from the site inspection

Findings of fact

I assessed the application against the requirements of the Nature Conservation legislation and made the following findings of fact: Conditions are included in the findings of fact.

Legislative requirement	Finding
Section 182 of the Wildlife Management Regulation	Agile wallabies are a species of least concern by virtue of Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*
Section 185(1)(a) of the Wildlife Management Regulation	I am satisfied that the animals are causing, or may cause damage as they feed on the sugar cane. Evidence of damage was witnessed by wildlife rangers during a site inspection on 27th November 2013.
Section 185(1)(b)	I am satisfied the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage

RTI DL RELEASE - EHP

	and the action taken has not prevent or minimised the damage because the animals are habituating to previous attempts. Previous attempts include chasing the animals at various times of day/night, silver foil and Scarecrows. Recommended Conditions to the Permit are that various non-lethal methods (to be decided by the owner) are to be used in conjunction with this permit.
Section 185(1)(c)	I am satisfied that if the damage is not prevented or controlled individuals may suffer significant economic loss as an estimated financial loss s.49 [redacted] per year. The loss has been determined by the loss of sugar cane production and the increasing cost or weed eradication, including tractors, chemicals and labour.
Section 185(1)(d)	I am satisfied that action under the permit will not adversely affect the survival of the animal in the wild because only 10 animals have been approved to be taken. Recommendations for DMP numbers to be taken are based on number estimated by the applicant.
Section 185(1)(e)	I am satisfied that the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal because the shooting will be conducted by a licensed firearm holder. Any action to be taken will be in accordance with the national Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes especially for dealing with females and their young as conditioned on the permit. Also, accurate records of animals shot under this permit must be recorded in the return form provided and the return of operations form to be sent to EHP within 10 business days after each 3 month period.

RTI DL RELEASE - EHP

I have considered matters under Section 25 (1)(a-h) and (2) of the Administration Regulation.

As a result I have made the following conditions applicable to this permit in regard to public health, safety and interest.

- For the applicant to notify neighbours, police and the relevant authorities prior to commencement of operations.
- Taking can occur only within the boundaries of the landholders property
- Carcasses to be disposed of in an appropriate manner.

Reasons for making the decision

I was satisfied of all the matters set out in section 185 of the Wildlife Management Regulation have been met and accordingly I was able to grant a DMP.

s.49 - Signature [redacted]

Michael Joyce
Delegate [redacted]
Department of Environment & Heritage Protection

Application form

Section 12(a) – *Nature Conservation (Administration) Regulation 2006*

OFFICIAL USE ONLY

DATE RECEIVED

FILE REF

PROJECT REF

COMPLETE FORM ☐ CORRECT AA ☐

COMPLETE FEE ☐

ADMINISTERING DISTRICT

ENTERED BY [SIGNATURE]

DATE

Damage mitigation permit (culling and dispersal of wildlife)

Important information for applicants

This form is to be used to apply for a damage mitigation permit for the purpose of culling and dispersal of wildlife **(note: a separate application form is required for lethal take of flying-foxes damaging crops)**. Information requested will enable your application to be processed as prescribed by the *Nature Conservation Act 1992*. A damage mitigation permit may be granted for a maximum period of six months, unless you operate under an approved property management plan (PMP), when it may be granted for a maximum period of three years. If you wish to submit a PMP for approval and receive a damage mitigation permit for up to three years please contact Permit and Licence Management on 1300 130 372 for the appropriate PMP template form to accompany this application. Your application must be assessed and a permit granted by the chief executive before you can proceed with the proposed activity. Your application may take up to 40 business days to process.

Before completing your application please read the information materials included with your application kit. Before lodging this application you should be familiar with the requirements of the Nature Conservation Act available from the Office of the Queensland Parliamentary Counsel website http://www.legislation.qld.gov.au. If you have queries about how to complete this form correctly or need guidance contact the Permit and Licence Management on **1300 130 372**.

RTI DLRELEASE - EHP

Applicant information

A wildlife authority may only be granted to an individual or corporation (only if the corporation has an office within Queensland). Please tick the appropriate box:

☐ **AN INDIVIDUAL→** **Complete Section 1 applicant details — then complete sections 3 to 11**

☐ **A CORPORATION →** **Complete Section 2 applicant details — then complete sections 3 to 11.**

1. Applicant details for an individual

APPLICANT'S FAMILY NAME s.49 [redacted]	TITLE s.49 [redacted]
APPLICANT'S GIVEN NAME/S s.49 [redacted]	DATE OF BIRTH s.49 [redacted]
RESIDENTIAL ADDRESS (NOT A POST OFFICE BOX) s.49 [redacted]	POST CODE s.49 [redacted]

ABN 46 640 294 485

TELEPHONE (BUSINESS HOURS)	MOBILE	FACSIMILE

Great state. Great opportunity.

Queensland Government

TELEPHONE (AFTER HOURS) s.49	EMAIL s.49	
POSTAL ADDRESS (WRITE 'AS ABOVE" IF SAME AS RESIDENTIAL ADDRESS) s.49		POST CODE s.49

2. Application details for corporations

REGISTERED LEGAL ENTITY NAME (NOT A BUSINESS TRADING NAME) s.49		
TRADING NAME/S (IF APPLICABLE)		
REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX) s.49		POST CODE s.49
TELEPHONE (BUSINESS HOURS) s.49	FACSIMILE	
EMAIL s.49	WEBSITE	
POSTAL ADDRESS (WRITE 'AS ABOVE' IF SAME AS RESIDENTIAL ADDRESS) s.49		POST CODE s.49
ABN / ACN / AN, OR TITLE AND SECTION OF LEGISLATION UNDER WHICH CORPORATION HAS LEGAL STATUS s.49		
NAME OF PRINCIPAL OF CORPORATION s.49		
SIGNATURE OF PRINCIPAL OF CORPORATION (or person authorised to sign on their behalf)		DATE

RTI DL RELEASE - EHP

Details of nominated person in charge where the licensed activity is to be undertaken

NOMINATED CONTACT PERSON'S FAMILY NAME s.49		TITLE s.49
NOMINATED CONTACT PERSON'S GIVEN NAME/S s.49		DATE OF BIRTH s.49
RESIDENTIAL ADDRESS (NOT A POST OFFICE BOX) s.49		POSTCODE s.49
TELEPHONE (BUSINESS HOURS) s.49	MOBILE s.49	FACSIMILE
TELEPHONE (AFTER HOURS)	EMAIL s.49	
POSTAL ADDRESS (WRITE "AS ABOVE" IF SAME AS RESIDENTIAL ADDRESS) s.49		POSTCODE s.49

3. Have you previously held this type of permit?

This may include permits in other States.

Yes ☐ No ☒ If yes, state the permit number (if known)

If yes, has the 'return of operations' been submitted? ☐ Yes ☐ No

(A return of operation is due for each 3 month period during the life of the permit)

If no, a permit may not be issued until returns are submitted.

4. Provide the name(s) of the persons(s) operating under this permit

FAMILY NAME	GIVEN NAME
s.49 [redacted]	s.49 [redacted]
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME

RTI DL RELEASE - EHP

5. What is your reason for applying for this permit? (e.g. damage to pastures, grains, crops, threat to human health and well-being etc.)

STATEMENT OF REASONS

Heavy Wallaby damage to sugarcane crops, Plant cane and ratoon shoots eaten off at ground level and in some cases stool and billets being scratched out of the ground. Wallaby numbers have risen dramatcially in recent years due to good sesons and coupled with neloghbours providing shelter and permanent feeding stations for wallabies. This populatin is now semi domesticated with heavy human contact causing a change in their natural behaviour. Supplementary feeding with Bananas and other commercially produced fruit have imacted on the wallabies diet causing them to target sweet sugarcane as opposed to the abundant natural vegetation they would normally eat. This is the first time I have ever seen wallabies eat mature sugarcane stalks.

6. Outline monetary loss experienced

s.49 [redacted]

7. What previous damage mitigation method(s) have you tried (if any) and was this successful?

(You must be able to demonstrate that you have tried a combination of at least two non-lethal methods before a lethal damage mitigation permit application will be considered)

PREVIOUS METHOD/S

We have used various methods of scaring the wallabies including scarecrows, silver foil reflectors, dogs and chasing them with vehicles. None of these methods work because this population is semi-domesticated being artificially sustained by neigbhbouring properties providing shelter and permanent food with suplementary feeding permanently available.

8. Activity location

Where will the activities be conducted? Provide the street address, real property description(s) of the land(s) in which the project is located and local government area. If you require more space, attach a separate sheet.

STREET ADDRESS
s.49 [redacted]

LOT

PLAN
s.49 [redacted]

LOCAL GOVERNMENT AREA
Cassowary Coast Regional Council

If possible provide a specific location, a property name or an attached map with the location clearly delineated. Also include the map name/details.

SPECIFIC LOCATION/PROPERTY NAME
s.49 [redacted]

GEOGRAPHICAL COORDINATES

RTI DL RELEASE - EHP

9. Wildlife details

What wildlife does the application refer to?

(If you require more space, attach a separate sheet of wildlife details)

COMMON NAME	SCIENTIFIC NAME	QUANTITY
Agile Wallaby	Macropus agilis	10

10. What are the approximate start and completion dates of the project?

START DATE	FINISH DATE
October 2013 (immediate)	March 2014

11. Weapons Act licence number

If you intend to use a firearm to take wildlife please give your Weapons Act licence number and attach a photocopy of your licence or have your licence sighted and your application witnessed by a Queensland Parks and Wildlife Service officer, a Queensland Police Officer or a Commissioner for Declarations/Justice of the Peace.

Licence details

NAME ON LICENCE s.49 [redacted]
LICENCE NUMBER s.49 [redacted]

Witnessing officer (Not required if a copy of your Weapons Act licence is attached)

SIGNATURE	TITLE
FAMILY NAME	
GIVEN NAME/S	

If you require additional space, attach a separate sheet of Weapons Act licence details.

RTI DL RELEASE - EHP

12. Applicant suitability

The permit may be granted if the applicant is an appropriate person to hold the permit, that is, if the applicant has the ability to carry out activities under the authority in a competent and ethical way.

QUESTIONS		DETAILS
1. During the past 10 years have you ever (in Queensland or elsewhere) been found guilty of any criminal offence or entered a plea of guilty in a Court? (Note: does not include simple traffic offences such as parking, speeding). If yes, provide details of the offence/s.	☐ YES ☒ NO	
2. Have you ever had an equivalent permit from another State, Territory or country that was suspended and/or cancelled? If yes, provide details about the permit, the date it was suspended and/or cancelled and reasons for suspension/cancellation.	☐ YES ☒ NO	

13. Declaration

Note: If you have not told the truth in this application you may be liable for prosecution under the relevant Acts or Regulations.

- I do solemnly and sincerely declare that the information provided 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 on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

APPLICANT'S NAME
s.49 [redacted]

APPLICANT'S SIGNATURE
s.49 [redacted]

DATE 14/10/2015

IF THE APPLICANT IS A CORPORATION, PLEASE INDICATE YOUR POSITION IN THE CORPORATION

Director

RTI DL RELEASE - EHP

14. Applicant checklist

☒ Application form completed, signed and dated

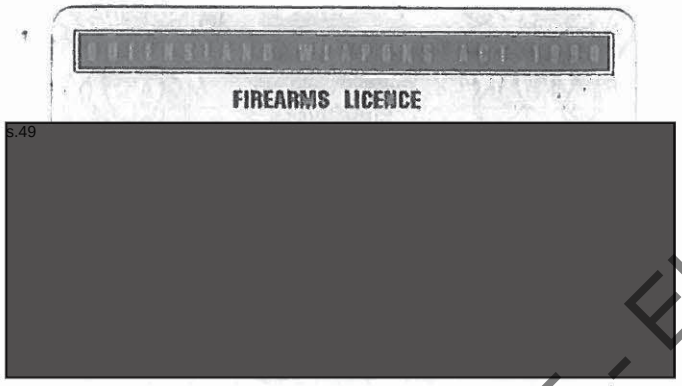
☒ Supporting information and accreditation attached (if applicable)

Please return your completed application kit to:

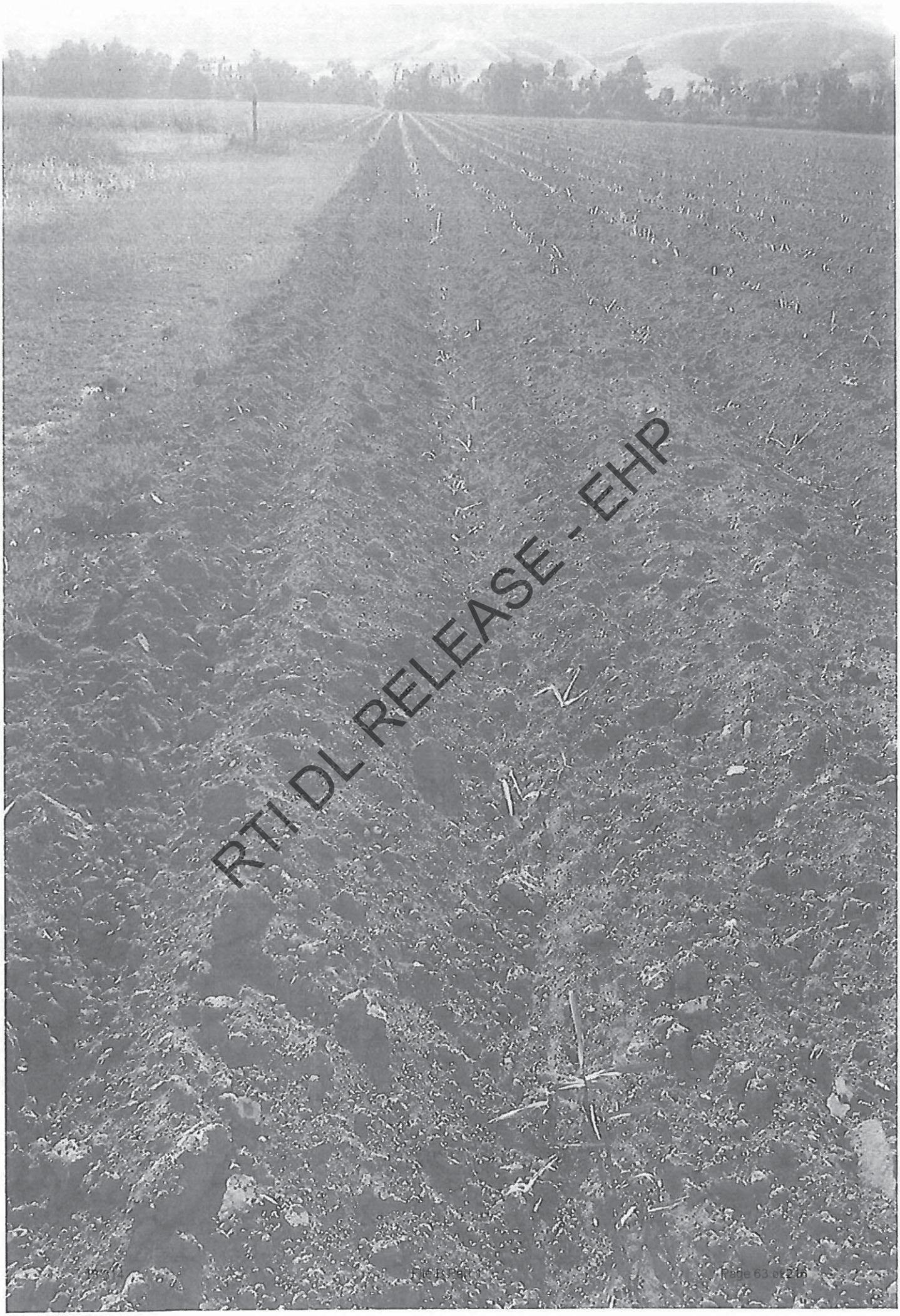
Permit and Licence Management
Department of Environment and Heritage Protection
GPO Box 2454
Brisbane
Queensland 4001

Enquiries: **1300 130 372**
Facsimile: (07) 3896 3342
Email: palm@ehp.qld.gov.au

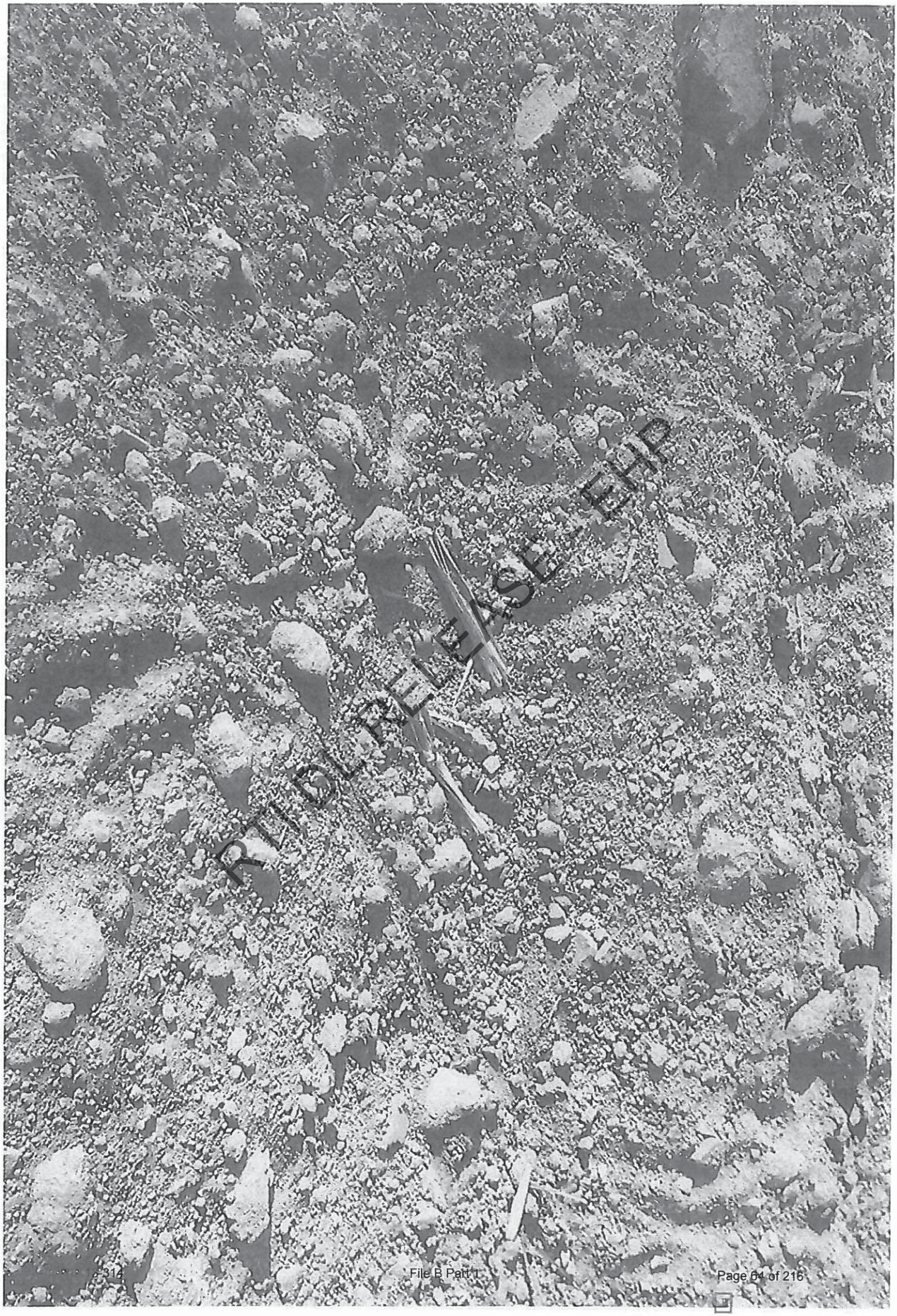
Code of Practice or guidelines may be obtained from the EHP website http://www.ehp.qld.gov.au or by contacting the EHP Referral Centre on 1300 130 372.



RTI DL RELEASE - EHP



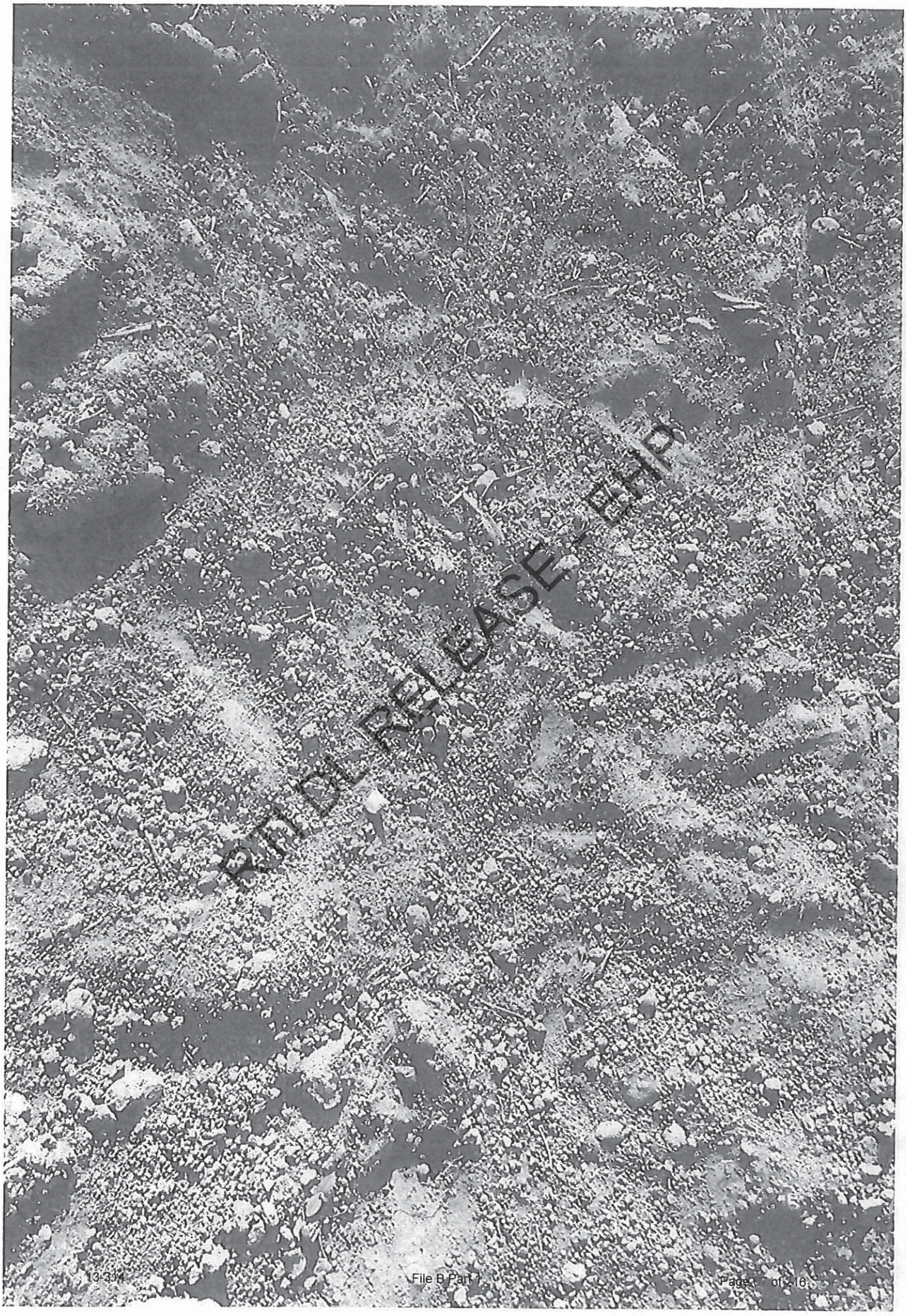
RTI DL RELEASE - EHP



RTI/DL RELEASE - EFP

RTI DL RELEASE - EHP

RTI DL RELEASE - EHP



RELEASED - EHP

Notice of decision - permit[1] application

This notice is issued by the administering authority to advise of a statutory decision on a permit application.

s.49 [redacted]

Our reference: 24099

Dea s.49 [redacted]

Re: Decision made in relation to your application

Your application received on 14-OCT-2013 has been assessed and the decision in regard to your application is specified below:

Permit applied for	Permit Number	Decision
Damage Mitigation Permit under Nature Conservation (Administration) Regulation 2006	WIMP13608113	Granted

For the permit applied for that has been granted, the conditions of approval are attached. Where applicable, a Statement of Reasons is provided in relation to the decision. Please note that for the approval, this Notice of Decision and the relevant attachments constitute the permit documentation. Please retain this approval documentation for your records.

Included with this notice is advice on review and appeal processes that may be available to you. Should you seek a review or appeal, you are advised to seek independent advice before taking such action.

If you require more information, please contact Tayce Cook on the telephone number listed below.

Yo s.49 [redacted]

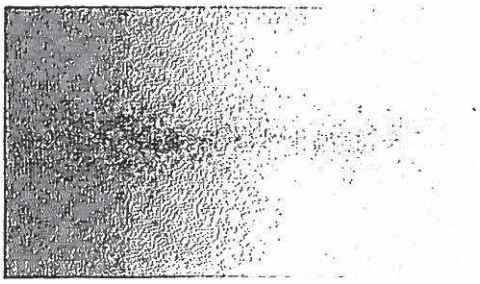
Michael Joyce
Department of [redacted] t and Heritage Protection
Date 29/1[redacted]

Enquiries:
Wildlife - Cairns - Tingira
PO Box 2066
CAIRNS QLD 4870

Attachment - Permit/Statement of Reasons

RTI DL RELEASE - EHP

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.



Permit[1]

This permit is issued under the following legislation:

S12(A) Nature Conservation (Administration) Regulation 2006

Damage Mitigation Permit

Permit number: WIMP13608113

Valid from: 29-NOV-2013 **to** 28-NOV-2014

RTI DL RELEASE - EHP

Parties to the Permit

Role	Name	Address
Principal Holder	s.49 [redacted]	s.49 [redacted]

Permitted Location Activity Details

Location (s)	Activity (s)
s.49 [redacted]	Culling Wildlife to prevent damage or loss

Permit Details

Species Details

Location	Activity
s.49 [redacted]	Culling Wildlife to prevent damage or loss

Common Name	*Scientific Name*	*Category*	*Quantity*
agile wallaby	Macropus agilis	Live	10 Animal/s

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Conditions of Approval

General Permit Conditions

Agency Interest: General

PG1 1. Neighbours, Police and the relevant Local Authority should be notified prior to commencement of operations.
2. Non-lethal deterrent methods are to be used in conjunction with this permit.
3. Taking can occur only within the boundaries of the landholders property.
4. Carcasses to be disposed of in an appropriate manner.

PG2 The following persons are authorised to carry out the permitted activities:
s.49 [redacted]

Conditions for: Culling Wildlife to prevent damage or loss

Agency Interest: General

A1G1 Important notes:
A Return of operations form must be sent to EHP within 10 business days after each 3 month period, and you must keep a copy for your records. If the Return of operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the following EHP website link:
http://www.ehp.qld.gov.au/licences-permits/plants-animals/return_of_operations.html

Agency Interest: Biodiversity

A1B1 Macropods
1. Macropods must be taken by centrefire rifle in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

s.49 - Signature [redacted]

Michael Joyce
Delegate
Department of Environment and Heritage Protection

RTI DL RELEASE - EHP

STATEMENT OF REASONS

Statement of reasons provided pursuant to section 33 of the Judicial Review Act 1991.

Applicant's name	s.49 [redacted]
Decision maker	Michael Joyce, the delegate of the chief executive in accordance with the delegation given under section 141 of the *Nature Conservation Act 1992* **(the Act)**
Decision	Granted
Date of decision	28/11/13

Introduction

On 14th October 2013, s.49 [redacted] lodged an application for a damage mitigation permit (culling and dispersal of wildlife) to take 10 Agile Wallabies *(Macropus agilis)*.

On 28th November 2013, after consideration of the material before me, I, Michael Joyce under section 185 of the *Nature Conservation (Wildlife Management) Regulation 2006* signed a letter to s.49 [redacted] confirming my decision.

Relevant legislation

The *Nature Conservation (Wildlife Management) Regulation 2006* **(the Wildlife Management Regulation)** chapter 3, part 4, division 2 governs the grant of damage mitigation permits (DMP) for animals as follows:

Section 182 provides that I may grant a damage mitigation permit for a least concern animal.

Section 184 provides that I may grant a DMP only for one or both of the following purposes:
(a) to prevent damage or loss caused, or likely to be caused, by a protected animal;
(b) to prevent or minimise a threat, or potential treat, to human health and wellbeing caused by a protected animal.

Section 185 provides that a DMP may be granted for damage or loss caused by a protected animal only if I am satisfied–

(a) the animal is causing, or may cause, damage; and
(b) the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
(c) if the damage is no prevented or controlled-
    (i) individuals may suffer significant economic loss; or
    (ii) the ecological sustainability of nature is likely to be harmed;' and
(d) action under the permit will not adversely affect the survival of the animal in the wild; and
(e) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.

RTI DL RELEASE - EHP

Section 25 of the *Nature Conservation (Administration) Regulation 2006* **(the Administration Regulation)** provides that in considering an application I must have regard to each of the following-

(a) The impact the activities that may be carried out under the DMP may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
(b) The effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
(c) Any contribution the applicant proposes to make to the conservation of nature;
(d) Any relevant Australian or international code, instrument, protocol or standard or nay relevant intergovernmental agreement;
(e) The precautionary principle;
(f) Public health and safety
(g) The public interest
(h) Whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation;
(i) Any recovery plan for wildlife to which the authority applies.

Pursuant to section 25(2) of the Administration Regulation I may have regard to anything else I consider appropriate to achieve the object of the Act.

Material on which the findings of fact were made

In arriving at my decision I had before me the following material for consideration:

- *Nature Conservation Act 1992,* (The Act), the Wildlife Management Regulation and the Administration Regulation 2006
- Damage Mitigation Permit Application submitted 14th October 2013
- Damage Mitigation Permit Application Assessment dated 28th November 2013
- Photographic evidence supplied by applicant and confirmed by visiting officers showing damage to sugarcane shoots from wallabies from the site inspection

RTI DL RELEASE - EHP

Findings of fact

I assessed the application against the requirements of the Nature Conservation legislation and made the following findings of fact: Conditions are included in the findings of fact.

Legislative requirement	Finding
Section 182 of the Wildlife Management Regulation	Agile wallabies are a species of least concern by virtue of Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*
Section 185(1)(a) of the Wildlife Management Regulation	I am satisfied that the animals are causing, or may cause damage as they feed on the sugar cane. Evidence of damage was witnessed by wildlife rangers during a site inspection on 27th November 2013.
Section 185(1)(b)	I am satisfied the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage

	and the action taken has not prevent or minimised the damage because the animals are habituating to previous attempts. Previous attempts include chasing the animals at various times of day/night, silver foil and Scarecrows. Recommended Conditions to the Permit are that various non-lethal methods (to be decided by the owner) are to be used in conjunction with this permit.
Section 185(1)(c)	I am satisfied that if the damage is not prevented or controlled individuals may suffer significant economic loss as an estimated financial loss s.49 [redacted] per year. The loss has been determined by the loss of sugar cane production and the increasing cost or weed eradication, including tractors, chemicals and labour.
Section 185(1)(d)	I am satisfied that action under the permit will not adversely affect the survival of the animal in the wild because only 10 animals have been approved to be taken. Recommendations for DMP numbers to be taken are based on number estimated by the applicant.
Section 185(1)(e)	I am satisfied that the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal because the shooting will be conducted by a licensed firearm holder. Any action to be taken will be in accordance with the national Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes especially for dealing with females and their young as conditioned on the permit. Also, accurate records of animals shot under this permit must be recorded in the return form provided and the return of operations form to be sent to EHP within 10 business days after each 3 month period.

I have considered matters under Section 25 (1)(a-h) and (2) of the Administration Regulation.

As a result I have made the following conditions applicable to this permit in regard to public health, safety and interest.

- For the applicant to notify neighbours, police and the relevant authorities prior to commencement of operations.
- Taking can occur only within the boundaries of the landholders property
- Carcasses to be disposed of in an appropriate manner.

Reasons for making the decision

I was satisfied of all the matters set out in section 185 of the Wildlife Management Regulation have been met and accordingly I was able to grant a DMP.

s.49 - Signature [redacted]

Michael Joyce
Delegate [redacted]
Department of Environment & Heritage Protection

RTI DL RELEASE - EHP

QUEENSLAND GOVERNMENT
Department of **Environment And Heritage Protection**

DAMAGE MITIGATION PERMIT ASSESSMENT

DATE: 27/11/13	**LOCATION:** s.49 [redacted]
TOWN/CITY: s.49 [redacted]	
APPLICANT/S: s.49 [redacted]	
PHONE s.49 [redacted]	**FAX NO: N/A**
COMPANY NAME (If applicable): s.49 [redacted]	
PROPERTY INSPECTED: Yes	

Background on DMP Assessment Request:

1.What damage is being experienced?:

The damage shown to officers inspecting the property included; chewed sugar cane saplings and uprooted saplings throughout the pastures.

2.Is the damage extensive and throughout the crop?:

The damage is quite extensive throughout parts of the crop. After the initial planting of new sugar cane the Wallabies have chewed the saplings down causing them to die-off or stunt their growth. Photos supplied by the applicant support this claim of damage. Officers visiting the property have confirmed the claims made by the applicant. Furthermore, because of the die-off or stunted growth the weeds have taken over substantial patches throughout the cane paddock. This has caused additional issues for s.49 [redacted] as he has to manage these weeds using mechanical and/or chemical control methods.

3.What is the monetary loss suffered by the landholder last season?:

s.49 [redacted] indicated that this is his first season that he has ever experienced this damage being done by wallabies and this is his first application for a DMP. He estimates the current monetary loss at approximately s.49 [redacted] additional to this loss he also spends more time on controlling weeds and replanting lost sugar cane.

4. How is this loss determined?:

s.49 [redacted] determines the current loss of production as follows;

s.49 [redacted]

5.What methods have been used to deter the wildlife from the crops?:

PUBLIC RELEASE - EHP

s.49 indicated that he has used the following non-lethal methods to deter the wallabies from entering his sugar cane paddocks; - Scarecrows - Silver foil reflectors - Dogs - Chasing with vehicles
6.If only lethal methods have been employed explain why no other methods have been used?:
N/A
7. What species of wildlife causes damage to the crop?:
Agile Wallaby – *Macropus agilis*
8. Has the landholder sought information on non-lethal methods of control?:
Yes s.49 has used various non-lethal methods but has been unsuccessful in deterring the wallabies from entering his paddocks.
9. Does the landholder intend to utilise non-lethal controls in the future?:
s.49 indicated that he does not like to use lethal methods but sees no other option after the non-lethal methods have failed so far. He indicated that once the wallabies have dispersed he will try non-lethal methods again.
10. Do the landholder's current management practices influence the wildlife visiting their crops?:
Yes s.49 indicated during the property inspection that the wallabies don't like chemically treated weeds and grasses.
11. Will the landholder advise DEHP daily of the numbers of each wildlife being taken?:
Yes s.49 indicated that he will advise EHP of numbers taken.
12.Is this permit being sought in anticipation of potential damage?:
No, the damage is already done and s.49 wants to obtain the permit to prevent further damage to his crop.
13. Does the landholder consider destruction of wildlife an effective means of control as opposed to deterring or exclusion?:
Yes, During our visit s.49 indicated that he does not like lethal take on a number of times but as the non-lethal methods have had little success so far he feels that destruction will deter the wallabies.

OFFICE USE ONLY: To be completed by assessing officer

Would the number of wildlife requested by the landholder on the DMP application cause some conservation concern in terms of that species ability to survive?: No s.49 has only applied for up to 10 Agile Wallabies (*Macropus agilis).* This species in considered least concern in the *NCA 1992.* This number is of wallabies would cause no concern for the population in and around his property.

RTI DL RELEASE - EHP

How has this decision been arrived at? (references, communications): -Site visit with s.49 [redacted] -Permit application -Local area knowledge
Is the method used to take the wildlife inhumane or likely to cause suffering to the animal?
M s.49 [redacted] will be using approved firearms to take the wildlife. Additionally he will be supplied with the National Code of Practice for the humane shooting of kangaroos and wallabies.
Is there evidence that wildlife has been taken prior to this inspection and outside the period of a permit?:
No, during our visit to the property we did not see any evidence that wildlife had been taken prior to our visit and outside the permit period.
How was this substantiated?
During the property visit no evidence was found of foul play.
INSPECTION OFFICER: Jochem van der Reijden and Tayce Cook
LOCATION: Cairns **PHONE:** 07 4057 3723
DATE INSPECTED: 28/11/13
APPROVAL RECOMMENDED:
Wildlife officers Jochem van der Reijden and Tayce Cook recommend that the permit to lethally take up to 10 Agile Wallabies *(Macropus agilis)* is granted for s.49 [redacted]
SIGNATURE OF INSPECTING OFFICER:

RTI DL RELEASE - EHP

Notice of decision - permit[1] application

This notice is issued by the administering authority to advise of a statutory decision on a permit application.

s.49 [redacted]

Our reference: 24099

Dea s.49 [redacted]

Re: Decision made in relation to your application

Your application received on 14-OCT-2013 has been assessed and the decision in regard to your application is specified below:

Permit applied for	Permit Number	Decision
Damage Mitigation Permit under Nature Conservation (Administration) Regulation 2006	WIMP13608113	Granted

For the permit applied for that has been granted, the conditions of approval are attached. Where applicable, a Statement of Reasons is provided in relation to the decision. Please note that for the approval, this Notice of Decision and the relevant attachments constitute the permit documentation. Please retain this approval documentation for your records.

Included with this notice is advice on review and appeal processes that may be available to you. Should you seek a review or appeal, you are advised to seek independent advice before taking such action.

If you require more information, please contact Tayce Cook on the telephone number listed below.

Yours sincerely

RTI DL RELEASE - EHP

Michael Joyce
Department of Environment and Heritage Protection
Date

Enquiries:
Wildlife - Cairns - Tingira
PO Box 2066
CAIRNS QLD 4870

Attachment - Permit/Statement of Reasons

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Department of Environment and Heritage Protection
www.ehp.qld.gov.au ABN 46 640 294 485

Queensland Government

STATEMENT OF REASONS

Statement of reasons provided pursuant to section 33 of the Judicial Review Act 1991.

Applicant's name	s.49 [redacted]
Decision maker	Michael Joyce, the delegate of the chief executive in accordance with the delegation given under section 141 of the *Nature Conservation Act 1992* (**the Act**)
Decision	Granted
Date of decision	28/11/13

Introduction

On 14th October 2013, s.49 [redacted] odged an application for a damage mitigation permit (culling and dispersal of wildlife) to take 10 Agile Wallabies *(Macropus agilis)*.

On 28th November 2013, after consideration of the material before me, I, Michael Joyce under section 185 of the *Nature Conservation (Wildlife Management) Regulation 2006* signed a letter to s.49 [redacted] confirming my decision.

Relevant legislation

The *Nature Conservation (Wildlife Management) Regulation 2006* **(the Wildlife Management Regulation)** chapter 3, part 4, division 2 governs the grant of damage mitigation permits (DMP) for animals as follows:

Section 182 provides that I may grant a damage mitigation permit for a least concern animal.

Section 184 provides that I may grant a DMP only for one or both of the following purposes:
(a) to prevent damage or loss caused, or likely to be caused, by a protected animal;
(b) to prevent or minimise a threat, or potential treat, to human health and wellbeing caused by a protected animal.

Section 185 provides that a DMP may be granted for damage or loss caused by a protected animal only if I am satisfied–

(a) the animal is causing, or may cause, damage; and
(b) the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
(c) if the damage is no prevented or controlled-
    (i) individuals may suffer significant economic loss; or
    (ii) the ecological sustainability of nature is likely to be harmed;' and
(d) action under the permit will not adversely affect the survival of the animal in the wild; and
(e) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.

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Section 25 of the *Nature Conservation (Administration) Regulation 2006* **(the Administration Regulation)** provides that in considering an application I must have regard to each of the following-

(a) The impact the activities that may be carried out under the DMP may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
(b) The effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
(c) Any contribution the applicant proposes to make to the conservation of nature;
(d) Any relevant Australian or international code, instrument, protocol or standard or nay relevant intergovernmental agreement;
(e) The precautionary principle;
(f) Public health and safety
(g) The public interest
(h) Whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation;
(i) Any recovery plan for wildlife to which the authority applies.

Pursuant to section 25(2) of the Administration Regulation I may have regard to anything else I consider appropriate to achieve the object of the Act.

Material on which the findings of fact were made

In arriving at my decision I had before me the following material for consideration:

- *Nature Conservation Act 1992*, (The Act), the Wildlife Management Regulation and the Administration Regulation 2006
- Damage Mitigation Permit Application submitted 14th October 2013
- Damage Mitigation Permit Application Assessment dated 28th November 2013
- Photographic evidence supplied by applicant and confirmed by visiting officers showing damage to sugarcane shoots from wallabies from the site inspection

RTI DL RELEASE EHP

Findings of fact

I assessed the application against the requirements of the Nature Conservation legislation and made the following findings of fact: Conditions are included in the findings of fact.

Legislative requirement	Finding
Section 182 of the Wildlife Management Regulation	Agile wallabies are a species of least concern by virtue of Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*
Section 185(1)(a) of the Wildlife Management Regulation	I am satisfied that the animals are causing, or may cause damage as they feed on the sugar cane. Evidence of damage was witnessed by wildlife rangers during a site inspection on 27th November 2013.
Section 185(1)(b)	I am satisfied the landholder of the land on which the

	animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevent or minimised the damage because the animals are habituating to previous attempts. Previous attempts include chasing the animals at various times of day/night, silver foil and Scarecrows. Recommended Conditions to the Permit are that various non-lethal methods (to be decided by the owner) are to be used in conjunction with this permit.
Section 185(1)(c)	I am satisfied that if the damage is not prevented or controlled individuals may suffer significant economic loss as an estimated financial loss s.49 [redacted] per year. The loss has been determined by the loss of sugar cane production and the increasing cost or weed eradication, including tractors, chemicals and labour.
Section 185(1)(d)	I am satisfied that action under the permit will not adversely affect the survival of the animal in the wild because only 10 animals have been approved to be taken. Recommendations for DMP numbers to be taken are based on number estimated by the applicant.
Section 185(1)(e)	I am satisfied that the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal because the shooting will be conducted by a licensed firearm holder. Any action to be taken will be in accordance with the national Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes especially for dealing with females and their young as conditioned on the permit. Also, accurate records of animals shot under this permit must be recorded in the return form provided and the return of operations form to be sent to EHP within 10 business days after each 3 month period.
Section 186(b)	I am satisfied that action under the permit will not detrimentally affect the survival of the animal in the wild because the local population is well established and 10 animals will not impact the whole population.
Section 186(c)	I am satisfied the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal (see Section 185(1)(e))

RTI DI RELEASE - EHP

I have considered matters under Section 25 (1)(a-h) and (2) of the Administration Regulation.

As a result I have made the following conditions applicable to this permit in regard to public health, safety and interest.

- For the applicant to notify neighbours, police and the relevant authorities prior to commencement of operations.
- Taking can occur only within the boundaries of the landholders property
- Carcasses to be disposed of in an appropriate manner.

Reasons for making the decision

I was satisfied of all the matters set out in section 185 of the Wildlife Management Regulation have been met and accordingly I was able to grant a DMP.

Michael Joyce,
Delegate
Department of Environment & Heritage Protection

RTI DL RELEASE - EHP

[redacted]

Permit[1]

This permit is issued under the following legislation:

S12(A) Nature Conservation (Administration) Regulation 2006

Damage Mitigation Permit

Permit number: WIMP13608113

Valid from: 29-NOV-2013 **to** 28-NOV-2014

RTI DL RELEASE - EHP

Parties to the Permit

Role	Name	Address
Principal Holder	s.49 [redacted]	s.49 [redacted]

Permitted Location Activity Details

Location (s)	Activity (s)
s.49 [redacted]	Culling Wildlife to prevent damage or loss

Permit Details

Species Details

Location	Activity
s.49 [redacted]	Culling Wildlife to prevent damage or loss

Common Name	*Scientific Name*	*Category*	*Quantity*
agile wallaby	Macropus agilis	Live	10 Animal/s

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

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Queensland Government

Conditions of Approval

General Permit Conditions

Agency Interest: General

PG1 1. Neighbours, Police and the relevant Local Authority should be notified prior to commencement of operations.
2. Non-lethal deterrent methods are to be used in conjunction with this permit.
3. Taking can occur only within the boundaries of the landholders property.
4. Carcasses to be disposed of in an appropriate manner.

PG2 The following persons are authorised to carry out the permitted activities:
s.49 [redacted]

Conditions for: Culling Wildlife to prevent damage or loss

Agency Interest: General

A1G1 Important notes:
A Return of operations form must be sent to EHP within 10 business days after each 3 month period, and you must keep a copy for your records. If the Return of operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the following EHP website link:
http://www.ehp.qld.gov.au/licences-permits/plants-animals/return_of_operations.html

Agency Interest: Biodiversity

A1B1 Macropods
1. Macropods must be taken by centrefire rifle in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

RTI DL RELEASE - EHP

Signed

Michael Joyce
Delegate
Department of Environment and Heritage Protection

HERRIMAN Karmen

From: Couprie Dayna
Sent: Tuesday, 27 August 2013 8:32 AM
To: Morris Sally
Subject: Permit for s.49
Attachments: WIMP13280113.pdf

Hi Sally,

Please find the scanned permit, NoD and Statement of Reasons for s.49

Kind regards
Dayna

Dayna Couprie
Wildlife Ranger

Wildlife Management
Department of Environment and Heritage Protection

PO Box 5597
Townsville, QLD 4810
Phone: (07) 4796 7768
Fax: (07) 4796 7705

Email: dayna.couprie@ehp.qld.gov.au

RTI DL RELEASE - EHP

Notice of decision - permit[1] application

This notice is issued by the administering authority to advise of a statutory decision on a permit application.

s.49 [redacted]

Our reference: 394119

Dea s.49 [redacted]

Re: Decision made in relation to your application

Your application received on 13-AUG-2013 has been assessed and the decision in regard to your application is specified below:

Permit applied for	Permit Number	Decision
Damage Mitigation Permit under Nature Conservation (Administration) Regulation 2006	WIMP13280113	Granted - level 2

For the permit applied for that has been granted, the conditions of approval are attached. Where applicable, a Statement of Reasons is provided in relation to the decision. Please note that for the approval, this Notice of Decision and the relevant attachments constitute the permit documentation. Please retain this approval documentation for your records.

Included with this notice is advice on review and appeal processes that may be available to you. Should you seek a review or appeal, you are advised to seek independent advice before taking such action.

If you require more information, please contact Sally Morris on the telephone number listed below.

Yours sincerely

Enquiries:
Wildlife - Savanna - QPW
PO Box 5597
TOWNSVILLE QLD 4810

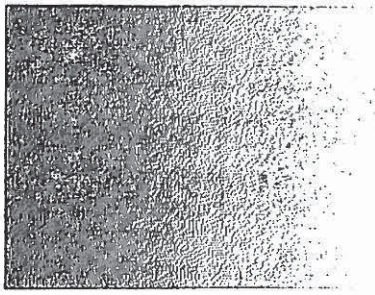
Michael Joyce
Department of Environment and Heritage Protection
Date 23/8/13

s.49 - Signature [redacted]

Attachment - Permit Statement of Reasons

RTI DL RELEASE - EHP

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.



Permit[1]

This permit is issued under the following legislation:

S12(A) Nature Conservation (Administration) Regulation 2006

Damage Mitigation Permit

Permit number: WIMP13280113

Valid from: 23-AUG-2013 **to** 22-FEB-2014

RTI DL RELEASE - EHP

Parties to the Permit

Role	Name	Address
Principal Holder	s.49 [redacted]	s.49 [redacted]

Permitted Location Activity Details

Location (s)	Activity (s)
s.49 [redacted]	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

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Location (s)	Activity (s)
s.49 [redacted]	
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss

Permit Details

Species Details

Location	Activity
All locations relating to this permit	Culling Wildlife to prevent damage or loss

Common Name	*Scientific Name*	*Category*	*Quantity*
agile wallaby	Macropus agilis	Live	25 Animal/s

RTI DL RELEASE - EHP

Conditions of Approval

Agency Interest: General

PG1 Additional Information:
1. Neighbours, Police and the relevant Local Authority should be notified prior to commencement of operations
2. Bird Frite and/or other non-lethal deterrent methods are to be used in conjunction with this permit
3. Taking can occur only within the boundaries of the landholders property
4. Carcasses to be disposed of in an appropriate manner

PG2 A Return of Operations form must be sent to EHP within 10 business days after each 3 month period, and you must keep a copy for your records. If the Return of Operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the following EHP website link: http://www.ehp.qld.gov.au/licences-permits/plants-animals/return_of_operations.html

PG3 The following persons are authorised to carry out the permitted activities:
s.49 [redacted]

Agency Interest: Biodiversity

PB1 Accurate records of animals shot under this permit must be recorded in the return form provided. These must be made at the end of each day/night that the animals are taken.

PB2 Macropods:
Macropods must be taken in a humane way as specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

s.49 - Signature

Michael Joyce
Delegate
Department of Environment and Heritage Protection

RTI DL RELEASE - EHP

STATEMENT OF REASONS

Statement of reasons provided pursuant to section 33 of the Judicial Review Act 1991.

Applicant's name	s.49 [redacted]
Decision maker	Michael Joyce, the delegate of the chief executive in accordance with the delegation given under section 141 of the *Nature Conservation Act 1992* **(the Act)**
Decision	Granted
Date of decision	22 August 2013

Introduction

On 13 August 2013 s.49 [redacted] odged an application for Damage Mitigation Permit – culling of wildlife.

On 22 August 2013 after consideration of the material before me, I, Michael Joyce under section 185 I granted and signed a letter to s.49 [redacted] confirming my decision.

Relevant legislation

The *Nature Conservation (Wildlife Management) Regulation 2006* **(the Wildlife Management Regulation)** chapter 3, part 4, division 2 governs the grant of damage mitigation permits (DMP) for animals as follows:

Section 182 provides that I may grant a damage mitigation permit for a least concern animal.

Section 184 provides that I may grant a DMP only for one or both of the following purposes:
(a) to prevent damage or loss caused, or likely to be caused, by a protected animal;
(b) to prevent or minimise a threat, or potential treat, to human health and wellbeing caused by a protected animal.

Section 185 provides that a DMP may be granted for damage or loss caused by a protected animal only if I am satisfied–

(a) the animal is causing, or may cause, damage; and
(b) the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
(c) if the damage is no prevented or controlled-
    (i) individuals may suffer significant economic loss; or
    (ii) the ecological sustainability of nature is likely to be harmed;' and
(d) action under the permit will not adversely affect the survival of the animal in the wild; and
(e) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.

Section 25 of the *Nature Conservation (Administration) Regulation 2006* **(the Administration Regulation)** provides that in considering an application I must have

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regard to each of the following-

(a) The impact the activities that may be carried out under the DMP may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
(b) The effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
(c) Any contribution the applicant proposes to make to the conservation of nature;
(d) Any relevant Australian or international code, instrument, protocol or standard or nay relevant intergovernmental agreement;
(e) The precautionary principle;
(f) Public health and safety
(g) The public interest
(h) Whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation;
(i) Any recovery plan for wildlife to which the authority applies.

Pursuant to section 25(2) of the Administration Regulation I may have regard to anything else I consider appropriate to achieve the object of the Act.

Material on which the findings of fact were made

In arriving at my decision I had before me the following material for consideration:

- *Nature Conservation Act 1992* and the *Wildlife Management Regulation and the Administration Regulation 2006*
- Damage Mitigation Permit Application submitted 13 August 2013
- Previous granted DMP expiry 14 April 2013
- Return of operations submitted.

Findings of fact

I assessed the application against the requirements of the Nature Conservation legislation and made the following findings of fact:

Legislative requirement	Finding
Section 182 of the Wildlife Management Regulation	The applicant has applied for 25 x Agile Wallaby (*Macropus agilis*) which are species of least concern by virtue of Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006.*
Section 185(1)(a) of the Wildlife Management Regulation	I am satisfied that the animal is causing, or may cause damage because the applicant has provided a monetary loss statement, detailing losses of thousands of dollars.
Section 185(1)(b)	I am satisfied the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevent or minimised the damage because they have described in their application various non-lethal damage mitigation methods they have used. For example; gas guns, scarecrows and ATVs.

RTI DL RELEASE - EHP

Section 185(1)(c)	I am satisfied that if the damage is not prevented or controlled individuals may suffer significant economic loss because of the damage described in question 5 and 6 of the DMP application submitted. This includes extensive damage to plant cane resulting in large areas of stool being retarded or dying completely and in turn, losses of up t s.49
Section 185(1)(d)	I am satisfied that action under the permit will not adversely affect the survival of the animal in the wild because the macropods to be taken under this permit are classified as Least Concern under the *Nature Conservation (Wildlife) Regulation 2006*. The numbers of animals taken are low in relation to population numbers in the region ()25 x Agile Wallaby (*Macropus agilis*)) and will be taken over a six month period
Section 185(1)(e)	I am satisfied that the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal because the shooting will be conducted by a licensed firearm holder. I have conditioned this permit that macorpods must be taken in a humane way as specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial purposes, approved by the Natural Resource Management Ministerial Council.

I have considered matters under Section 25 (1)(a-h) and (2) of the Administration Regulation.

As a result I have made the following conditions applicable to this permit in regard to public health, safety and interest:

The following persons are authorised to carry out the permitted activities:

- s.49

Macropods:
Macropods must be taken in a humane way as specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

Additional information:
1. Neighbours, Police and the relevant Local Authority should be notified prior to commencement of operations.
2. Non-lethal deterrent methods are to be used in conjunction with this permit.
3. Taking can occur only within the boundaries of the landholder's property.
4. Carcasses to be disposed of in an appropriate manner.

Accurate records of animals shot under this permit must be recorded in the return form provided. These must be made at the end of each day/night that the animals are taken.

A Return of Operations form must be sent to EHP within 10 business days after each 3 month period, and you must keep a copy for your records. If the Return of Operations on the approved form is not submitted a penalty may be given. The

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approved form should be downloaded via the following EHP website link:
http://www.ehp.qld.gov.au/licences-permits/plants-animals/return_of_operations.html

Reasons for making the decision

I was satisfied of all the matters set out in section 185of the Wildlife Management Regulation have been met and accordingly I was able to grant a DMP. I decided to grant a DMP because:

- Severe economic loss due to macropod damage
- Take will not effect conservation of the species
- The take of the animal is humane
- A reasonable attempt has been made to move the macropods on by non-lethal methods. This process will continue to occur with lethal take as the last option

s.49 - Signature

[redacted]

Michael Joyce,
Delegate
Department of Environment & Heritage Protection

RTI DL RELEASE - EHP

level 2 AR046830

RECEIVED
13 AUG 2013
Bal M

s.49 [redacted]

TO: Permit and Licence Management Department of Environment And Heritage Protection

s.49 [redacted]

SUBJECT: Damage Mitigation Permit
NO OF PAGES: 9
DATE: 13/08/2013

Dear Sir

Faxing completed application for permit.

Thank you.

s.49 [redacted]

RTI DL RELEASE - EHP

Application form

Section 12(a) – *Nature Conservation (Administration) Regulation 2006*

OFFICIAL USE ONLY

DATE RECEIVED

FILE REF

PROJECT REF

COMPLETE FORM ☐ CORRECT AA ☐

COMPLETE FEE ☐

ADMINISTERING DISTRICT

ENTERED BY (SIGNATURE)

DATE

Damage mitigation permit (culling and dispersal of wildlife)

Important information for applicants

This form is to be used to apply for a damage mitigation permit for the purpose of culling and dispersal of wildlife (**note: a separate application form is required for lethal take of flying-foxes damaging crops**). Information requested will enable your application to be processed as prescribed by the *Nature Conservation Act 1992*. A damage mitigation permit may be granted for a maximum period of six months, unless you operate under an approved property management plan (PMP), when it may be granted for a maximum period of three years. If you wish to submit a PMP for approval and receive a damage mitigation permit for up to three years please contact Permit and Licence Management on 1300 130 372 for the appropriate PMP template form to accompany this application. Your application must be assessed and a permit granted by the chief executive before you can proceed with the proposed activity. Your application may take up to 40 business days to process.

Before completing your application please read the information materials included with your application kit. Before lodging this application you should be familiar with the requirements of the Nature Conservation Act available from the Office of the Queensland Parliamentary Counsel website http://www.legislation.qld.gov.au. If you have queries about how to complete this form correctly or need guidance contact the Permit and Licence Management on **1300 130 372**.

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Applicant information

A wildlife authority may only be granted to an individual or corporation (only if the corporation has an office within Queensland). Please tick the appropriate box:

☑ **AN INDIVIDUAL→** **Complete** Section 1 **applicant details — then complete sections 3 to 11**

☐ **A CORPORATION →** **Complete** Section 2 **applicant details — then complete sections 3 to 11.**

1. Applicant details for an individual

TITLE s.49

APPLICANT'S FAMILY NAME s.49

DATE OF BIRTH s.49

APPLICANT'S GIVEN NAME/S s.49

POST CODE s.49

s.49

ABN 46 640 294 485

TELEPHONE (AFTER HOURS) s.49 [redacted]

s.49 [redacted]

POST CODE s.49 [redacted]

s.49 [redacted]

2. Application details for corporations

REGISTERED LEGAL ENTITIY NAME (NOT A BUSINESS TRADING NAME)

TRADING NAME/S (IF APPLICABLE)

REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX) | POST CODE

TELEPHONE (BUSINESS HOURS) | FACSIMILE

EMAIL | WEBSITE

POSTAL ADDRESS (WRITE 'AS ABOVE' IF SAME AS RESIDENTIAL ADDRESS) | POST CODE

ABN / ACN / AN, OR TITLE AND SECTION OF LEGISLATION UNDER WHICH CORPORATION HAS LEGAL STATUS

NAME OF PRINCIPAL OF CORPORATION

SIGNATURE OF PRINCIPAL OF CORPORATION (or person authorised to sign on their behalf) | DATE

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Details of nominated person in charge where the licensed activity is to be undertaken

NOMINATED CONTACT PERSON'S FAMILY NAME | TITLE

NOMINATED CONTACT PERSON'S GIVEN NAME/S | DATE OF BIRTH

RESIDENTIAL ADDRESS (NOT A POST OFFICE BOX) | POSTCODE

TELEPHONE (BUSINESS HOURS) | MOBILE | FACSIMILE

TELEPHONE (AFTER HOURS) | EMAIL

POSTAL ADRESS (WRITE "AS ABOVE" IF SAME AS RESIDENTIAL ADDRESS) | POSTCODE

003
13/08 2013 12:16 FAX

3. Have you previously held this type of permit?

This may include permits in other States.

Yes ☑ No ☐ If yes, state the permit number (If known)

If yes, has the 'return of operations' been submitted? ☑ Yes ☐ No

(A return of operation is due for each 3 month period during the life of the permit)

If no, a permit may not be issued until returns are submitted.

4. Provide the name(s) of the persons(s) operating under this permit

FAMILY NAME	GIVEN NAME
s.49 [redacted]	s.49 [redacted]
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME

RTI DL RELEASE - EHP

5. What is your reason for applying for this permit? (e.g. damage to pastures, grains, crops, threat to human health and well-being etc.)

STATEMENT OF REASONS

EXTENSIVE DAMAGE TO SUGAR CANE CROP ESPECIALLY IN EARLY STAGES OF PLANT GROWTH RESULTING IN LARGE AREAS OF STOOL BEING RETARDED OR DYING COMPLETELY.

6. Outline monetary loss experienced

THOUSANDS OF DOLLARS

7. What previous damage mitigation method(s) have you tried (if any) and was this successful?

(You must be able to demonstrate that you have tried a combination of at least two non-lethal methods before a lethal damage mitigation permit application will be considered)

PREVIOUS METHOD/S

GAS GUNS SCARE CROWS MOVING THEM AWAY WITH ATVS. DUE TO SIZE OF FARMING OPERATION AREA THIS METHOD IS NOT FEASIBLE.

8. Activity location

Where will the activities be conducted? Provide the street address, real property description(s) of the land(s) in which the project is located and local government area. If you require more space, attach a separate sheet.

STREET ADDRESS

SEE ATTACHED SHEET

LOT	PLAN

LOCAL GOVERNMENT AREA

CASSOWARY COAST

If possible provide a specific location, a property name or an attached map with the location clearly delineated. Also include the map name/details.

SPECIFIC LOCATION/PROPERTY NAME

GEOGRAPHICAL COORDINATES

RTI DL RELEASE - EHP

9. Wildlife details

What wildlife does the application refer to?

(If you require more space, attach a separate sheet of wildlife details)

COMMON NAME	SCIENTIFIC NAME	QUANTITY
WALLABIES	MACROPODS	

PROPERTY LOCATION	DESCRIPTION
s.49	

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13/08 2013 12:17 FAX 006

10. What are the approximate start and completion dates of the project?

START DATE	FINISH DATE
IMMEDIATELY	DECEMBER 2013

11. Weapons Act licence number

If you intend to use a firearm to take wildlife please give your Weapons Act licence number and attach a photocopy of your licence or have your licence sighted and your application witnessed by a Queensland Parks and Wildlife Service officer, a Queensland Police Officer or a Commissioner for Declarations/Justice of the Peace.

Licence details

NAME ON LICENCE	s.49 [redacted]
LICENCE NUMBER	s.49 [redacted]

Witnessing officer (Not required if a copy of your Weapons Act licence is attached)

SIGNATURE	TITLE
FAMILY NAME	
GIVEN NAME/S	

If you require additional space, attach a separate sheet of Weapons Act licence details.

12. Applicant suitability

The permit may be granted if the applicant is an appropriate person to hold the permit, that is, if the applicant has the ability to carry out activities under the authority in a competent and ethical way.

QUESTIONS		DETAILS
1. During the past 10 years have you ever (in Queensland or elsewhere) been found guilty of any criminal offence or entered a plea of guilty in a Court? (Note: does not include simple traffic offences such as parking, speeding). If yes, provide details of the offence/s.	☐ YES ☑ NO	
2. Have you ever had an equivalent permit from another State, Territory or country that was suspended and/or cancelled? If yes, provide details about the permit, the date it was suspended and/or cancelled and reasons for suspension/cancellation.	☐ YES ☑ NO	

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13/08 2013 12:17 FAX 007

[redacted]

FIREARMS LICENCE

s.49 [redacted]

THIS IS A TRUE COPY OF LICENCE

OF s.49 [redacted]

RTI DL RELEASE - EHP

13/08 2013 12:17 FAX 008

13. Declaration

Note: If you have not told the truth in this application you may be liable for prosecution under the relevant Acts or Regulations.

- I do solemnly and sincerely declare that the information provided 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 on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

APPLICANT'S NAME s.49 [redacted]

APPLICANT'S SIGNATURE s.49 [redacted]

DATE 13/08/2013

IF THE APPLICANT IS A CORPORATION, PLEASE INDICATE YOUR POSITION IN THE CORPORATION

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14. Applicant checklist

☑ Application form completed, signed and dated

☑ Supporting information and accreditation attached (if applicable)

Please return your completed application kit to:

Permit and Licence Management
Department of Environment and Heritage Protection
GPO Box 2454
Brisbane
Queensland 4001

Enquiries: **1300 130 372**
Facsimile: (07) 3896 3342
Email: palm@ehp.qld.gov.au

Code of Practice or guidelines may be obtained from the EHP website http://www.ehp.qld.gov.au or by contacting the EHP Referral Centre on 1300 130 372.

Notice of decision - Permit[1] transfer or amendment

This notice is issued by the administering authority to advise of a statutory decision.

s.49 [redacted]

Our reference: 394119

Dear s.49 [redacted]

Re: Decision made in relation to your application

The department has assessed your application to amend your existing Damage Mitigation Permit and wishes to advise you that the application has been granted, the permit has been re-issued and is attached. Please note that this Notice of Decision and the relevant attachments constitute the new permit documentation. Please retain this approval documentation for your records.

Included with this Notice is advice on review and appeal processes available to you. Should you wish to seek a review or appeal, you are advised to seek independent advice before taking such action.

If you require more information please contact Jean Horton on the telephone number listed below.

Yours sincerely

Michael Joyce
Department of Environment and Heritage Protection
22-JAN-2013

Enquiries:
Wildlife - Atherton
PO Box 975
ATHERTON QLD 4883
Phone: (07) 4091 1844
Fax: (07) 4091 3281

Attachment - Permit

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation

RTI DL RELEASE - EHP

[redacted]

Permit[1]

This permit is issued under the following legislation:

S12(A) Nature Conservation (Administration) Regulation 2006

Damage Mitigation Permit

Permit number: WIMP12412713

Valid from: 23-JAN-2013 **to** 14-APR-2013

Parties to the Permit

Role	Name	Address
Principal Holder	s.49 [redacted]	s.49 [redacted]

Permitted Location Activity Details

Location (s)	Activity (s)
s.49 [redacted]	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

RTI DL RELEASE - EHP

Department of Environment and Heritage Protection
www.ehp.qld.gov.au ABN 46 640 294 485

Queensland Government

Location (s)	Activity (s)
s.49 [redacted]	
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss

Permit Details

Species Details

Location	Activity
All locations relating to this permit	Culling Wildlife to prevent damage or loss

Common Name	*Scientific Name*	*Category*	*Quantity*
agile wallaby	Macropus agilis	Live	25 Animal/s

RTI DL RELEASE - EHP

Conditions of Approval

General Permit Conditions

Agency Interest: General

PG1 Additional Information:
1. Neighbours, Police and the relevant Local Authority should be notified prior to commencement of operations
2. Bird Frite and/or other non-lethal deterrent methods are to be used in conjunction with this permit
3. Taking can occur only within the boundaries of the landholders property
4. Carcasses to be disposed of in an appropriate manner
5. Lethally taken female macropods are to be checked for pouch young. Pouch young and young at foot macropods are to be dealt with in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

Agency Interest: Biodiversity

PB1 Accurate records of animals shot under this permit must be recorded in the return form provided. These must be made at the end of each day/night that the animals are taken.

Conditions for: Culling Wildlife to prevent damage or loss

Agency Interest: General

A1G1 Important notes:
A Return of operations form must be sent to DERM within 10 business days after each 3 month period, and you must keep a copy for your records. If the Return of operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the following DERM website link:
www.derm.qld.gov.au/ecoaccess/plants_and_animals/return_of_operations

Agency Interest: Biodiversity

A1B1 Macropods
1. Macropods must be taken by centrefire rifle in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

Signed

Michael Joyce
Delegate
Department of Environment and Heritage Protection

RTI DL RELEASE - EHP

Notice of decision - permit[1] application

This notice is issued by the administering authority to advise of a statutory decision on a permit application.

s.49 [redacted]

Our reference: 394119

Dear s.49 [redacted]

Re: Decision made in relation to your application

Your application received on 13-AUG-2013 has been assessed and the decision in regard to your application is specified below:

Permit applied for	Permit Number	Decision
Damage Mitigation Permit under Nature Conservation (Administration) Regulation 2006	WIMP13280113	Granted - level 2

For the permit applied for that has been granted, the conditions of approval are attached. Where applicable, a Statement of Reasons is provided in relation to the decision. Please note that for the approval, this Notice of Decision and the relevant attachments constitute the permit documentation. Please retain this approval documentation for your records.

Included with this notice is advice on review and appeal processes that may be available to you. Should you seek a review or appeal, you are advised to seek independent advice before taking such action.

If you require more information, please contact Sally Morris on the telephone number listed below.

Yours sincerely

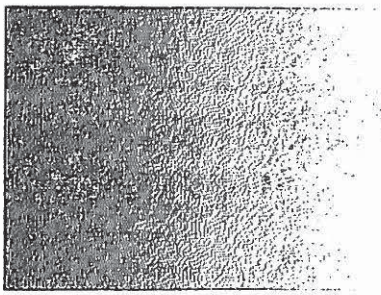
Michael Joyce
Department of Environment and Heritage Protection
Date 23/8/13
s.49 - Signature [redacted]

Enquiries:
Wildlife - Savanna - QPW
PO Box 5597
TOWNSVILLE QLD 4810

Attachment - Permit/Statement of Reasons

RTI DL RELEASE - EHP

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.



Permit[1]

This permit is issued under the following legislation:

S12(A) Nature Conservation (Administration) Regulation 2006

Damage Mitigation Permit

Permit number: WIMP13280113

Valid from: 23-AUG-2013 **to** 22-FEB-2014

RTI DL RELEASE - EHP

Parties to the Permit

Role	Name	Address
Principal Holder	s.49 [redacted]	

Permitted Location Activity Details

Location (s)	Activity (s)
s.49 [redacted]	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Department of Environment and Heritage Protection
www.ehp.qld.gov.au ABN 46 640 294 485

Queensland Government

Location (s)	Activity (s)
s.49 [redacted]	
	Culling Wildlife to prevent damage or loss
	Culling Wildlife to prevent damage or loss

Permit Details

Species Details

Location		Activity	
All locations relating to this permit		Culling Wildlife to prevent damage or loss	
Common Name	***Scientific Name***	***Category***	***Quantity***
agile wallaby	Macropus agilis	Live	25 Animal/s

RTI DL RELEASE - EHP

Conditions of Approval

Agency Interest: General

PG1 Additional Information:
1. Neighbours, Police and the relevant Local Authority should be notified prior to commencement of operations
2. Bird Frite and/or other non-lethal deterrent methods are to be used in conjunction with this permit
3. Taking can occur only within the boundaries of the landholders property
4. Carcasses to be disposed of in an appropriate manner

PG2 A Return of Operations form must be sent to EHP within 10 business days after each 3 month period, and you must keep a copy for your records. If the Return of Operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the following EHP website link: http://www.ehp.qld.gov.au/licences-permits/plants-animals/return_of_operations.html

PG3 The following persons are authorised to carry out the permitted activities:
s.49 [redacted]

Agency Interest: Biodiversity

PB1 Accurate records of animals shot under this permit must be recorded in the return form provided. These must be made at the end of each day/night that the animals are taken.

PB2 Macropods:
Macropods must be taken in a humane way as specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

s.49 - Signature

Michael Joyce
Delegate
Department of Environment and Heritage Protection

RTI DL RELEASE - EHP

STATEMENT OF REASONS

Statement of reasons provided pursuant to section 33 of the Judicial Review Act 1991.

Applicant's name	s.49 [redacted]
Decision maker	Michael Joyce, the delegate of the chief executive in accordance with the delegation given under section 141 of the *Nature Conservation Act 1992* **(the Act)**
Decision	Granted
Date of decision	22 August 2013

Introduction

On 13 August 2013 s.49 [redacted] lodged an application for Damage Mitigation Permit – culling of wildlife.

On 22 August 2013 after consideration of the material before me, I, Michael Joyce under section 185 I granted and signed a letter to s.49 [redacted] confirming my decision.

Relevant legislation

The *Nature Conservation (Wildlife Management) Regulation 2006* **(the Wildlife Management Regulation)** chapter 3, part 4, division 2 governs the grant of damage mitigation permits (DMP) for animals as follows:

Section 182 provides that I may grant a damage mitigation permit for a least concern animal.

Section 184 provides that I may grant a DMP only for one or both of the following purposes:
(a) to prevent damage or loss caused, or likely to be caused, by a protected animal;
(b) to prevent or minimise a threat, or potential treat, to human health and wellbeing caused by a protected animal.

Section 185 provides that a DMP may be granted for damage or loss caused by a protected animal only if I am satisfied–

(a) the animal is causing, or may cause, damage; and
(b) the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
(c) if the damage is no prevented or controlled-
    (i) individuals may suffer significant economic loss; or
    (ii) the ecological sustainability of nature is likely to be harmed;' and
(d) action under the permit will not adversely affect the survival of the animal in the wild; and
(e) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.

Section 25 of the *Nature Conservation (Administration) Regulation 2006* **(the Administration Regulation)** provides that in considering an application I must have

RTI DL RELEASE - EHP

regard to each of the following-

(a) The impact the activities that may be carried out under the DMP may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
(b) The effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
(c) Any contribution the applicant proposes to make to the conservation of nature;
(d) Any relevant Australian or international code, instrument, protocol or standard or nay relevant intergovernmental agreement;
(e) The precautionary principle;
(f) Public health and safety
(g) The public interest
(h) Whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation;
(i) Any recovery plan for wildlife to which the authority applies.

Pursuant to section 25(2) of the Administration Regulation I may have regard to anything else I consider appropriate to achieve the object of the Act.

Material on which the findings of fact were made

In arriving at my decision I had before me the following material for consideration:

- *Nature Conservation Act 1992* and the *Wildlife Management Regulation and the Administration Regulation 2006*
- Damage Mitigation Permit Application submitted 13 August 2013
- Previous granted DMP expiry 14 April 2013
- Return of operations submitted.

Findings of fact

I assessed the application against the requirements of the Nature Conservation legislation and made the following findings of fact:

Legislative requirement	Finding
Section 182 of the Wildlife Management Regulation	The applicant has applied for 25 x Agile Wallaby (*Macropus agilis*) which are species of least concern by virtue of Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006.*
Section 185(1)(a) of the Wildlife Management Regulation	I am satisfied that the animal is causing, or may cause damage because the applicant has provided a monetary loss statement, detailing losses of thousands of dollars.
Section 185(1)(b)	I am satisfied the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevent or minimised the damage because they have described in their application various non-lethal damage mitigation methods they have used. For example; gas guns, scarecrows and ATVs.

RTI DL RELEASE - EHP

Section 185(1)(c)	I am satisfied that if the damage is not prevented or controlled individuals may suffer significant economic loss because of the damage described in question 5 and 6 of the DMP application submitted. This includes extensive damage to plant cane resulting in large areas of stool being retarded or dying completely and in turn, losses of up to s.49 [redacted]
Section 185(1)(d)	I am satisfied that action under the permit will not adversely affect the survival of the animal in the wild because the macropods to be taken under this permit are classified as Least Concern under the *Nature Conservation (Wildlife) Regulation 2006*. The numbers of animals taken are low in relation to population numbers in the region ()25 x Agile Wallaby (*Macropus agilis*)) and will be taken over a six month period
Section 185(1)(e)	I am satisfied that the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal because the shooting will be conducted by a licensed firearm holder. I have conditioned this permit that macorpods must be taken in a humane way as specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial purposes, approved by the Natural Resource Management Ministerial Council.

I have considered matters under Section 25 (1)(a-h) and (2) of the Administration Regulation.

As a result I have made the following conditions applicable to this permit in regard to public health, safety and interest:

The following persons are authorised to carry out the permitted activities:

s.49 [redacted]

Macropods:
Macropods must be taken in a humane way as specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

Additional information:
1. Neighbours, Police and the relevant Local Authority should be notified prior to commencement of operations.
2. Non-lethal deterrent methods are to be used in conjunction with this permit.
3. Taking can occur only within the boundaries of the landholder's property.
4. Carcasses to be disposed of in an appropriate manner.

Accurate records of animals shot under this permit must be recorded in the return form provided. These must be made at the end of each day/night that the animals are taken.

A Return of Operations form must be sent to EHP within 10 business days after each 3 month period, and you must keep a copy for your records. If the Return of Operations on the approved form is not submitted a penalty may be given. The

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approved form should be downloaded via the following EHP website link:
http://www.ehp.qld.gov.au/licences-permits/plants-animals/return_of_operations.html

Reasons for making the decision

I was satisfied of all the matters set out in section 185of the Wildlife Management Regulation have been met and accordingly I was able to grant a DMP. I decided to grant a DMP because:

- Severe economic loss due to macropod damage
- Take will not effect conservation of the species
- The take of the animal is humane
- A reasonable attempt has been made to move the macropods on by non-lethal methods. This process will continue to occur with lethal take as the last option

s.49 - Signature

[redacted]

Michael Joyce,
Delegate
Department of Environment & Heritage Protection

RTI DL RELEASE - EHP

HERRIMAN Karmen

From: Couprie Dayna
Sent: Friday, 29 November 2013 2:35 PM
To: Cook Tayce
Subject: Permit for DOLE AUST PTY LTD
Attachments: WIMP13608013.pdf

Hi Tayce,

Please find the scanned permit, nod and SOR for s.49 / Dole Aust. I will mail the originals if you can please send him the electronic copy he can get started.

Cheers
Dayna

Dayna Couprie
Wildlife Ranger

Wildlife Management
Department of Environment and Heritage Protection

PO Box 375
Garbutt East LPO, QLD 4814
Phone: (07) 4796 7768
Fax: (07) 4796 7705

Email: dayna.couprie@ehp.qld.gov.au

RTI DL RELEASE - EHP

Notice of decision - permit[1] application

This notice is issued by the administering authority to advise of a statutory decision on a permit application.

Dole Australia Pty Ltd
1/212 McLeod Street
CAIRNS QLD 4870

Our reference: 408114

Dear Sir/Madam

Re: Decision made in relation to your application

Your application received on 14-OCT-2013 has been assessed and the decision in regard to your application is specified below:

Permit applied for	Permit Number	Decision
Damage Mitigation Permit under Nature Conservation (Administration) Regulation 2006	WIMP13608013	Granted

For the permit applied for that has been granted, the conditions of approval are attached. Where applicable, a Statement of Reasons is provided in relation to the decision. Please note that for the approval, this Notice of Decision and the relevant attachments constitute the permit documentation. Please retain this approval documentation for your records.

Included with this notice is advice on review and appeal processes that may be available to you. Should you seek a review or appeal, you are advised to seek independent advice before taking such action.

If you require more information, please contact Tayce Cook on the telephone number listed below.

Yours sincerely

s.49 - Signature [redacted]

Michael Joyce
Department of [redacted]ment and Heritage Protection
Date 29/11

Enquiries:
Wildlife - Cairns - Tingira
PO Box 2066
CAIRNS QLD 4870

Attachment - Permit/Statement of Reasons

RTI DL RELEASE - EHP

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Notice of decision - permit[1] application

This notice is issued by the administering authority to advise of a statutory decision on a permit application.

Dole Australia Pty Ltd
1/212 McLeod Street
CAIRNS QLD 4870

Our reference: 408114

Dear s.49 [redacted]

Re: Decision made in relation to your application

Your application received on 14-OCT-2013 has been assessed and the decision in regard to your application is specified below:

Permit applied for	Permit Number	Decision
Damage Mitigation Permit under Nature Conservation (Administration) Regulation 2006	WIMP13608013	Granted

For the permit applied for that has been granted, the conditions of approval are attached. Where applicable, a Statement of Reasons is provided in relation to the decision. Please note that for the approval, this Notice of Decision and the relevant attachments constitute the permit documentation. Please retain this approval documentation for your records.

Included with this notice is advice on review and appeal processes that may be available to you. Should you seek a review or appeal, you are advised to seek independent advice before taking such action.

If you require more information, please contact Tayce Cook on the telephone number listed below.

Yours sincerely

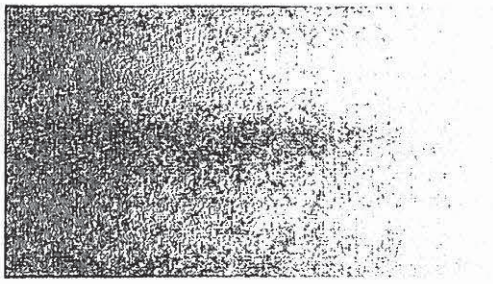
Michael Joyce
Department of Environment and Heritage Protection
Date

Enquiries:
Wildlife - Cairns - Tingira
PO Box 2066
CAIRNS QLD 4870

Attachment - Permit/Statement of Reasons

RTI DL RELEASE - EHP

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.



Permit[1]

This permit is issued under the following legislation:

S12(A) Nature Conservation (Administration) Regulation 2006

Damage Mitigation Permit

Permit number: WIMP13608013

Valid from: 29-NOV-2013 **to** 28-NOV-2014

RTI DL RELEASE - EHP

Parties to the Permit

Role	Name	Address
Principal Holder	Dole Australia Pty Ltd (t/a Dole Australia Pty Ltd) 86119365418	1/212 McLeod Street CAIRNS QLD 4870
Person In Charge	s.49 [redacted]	s.49 [redacted]

Permitted Location Activity Details

Location (s)	Activity (s)
Lot 12 Campbell Street, Mission Beach, QLD, 4852	Culling Wildlife to prevent damage or loss

Permit Details

Species Details

Location	Activity
Lot 12 Campbell Street, Mission Beach, QLD, 4852	Culling Wildlife to prevent damage or loss

Common Name	*Scientific Name*	*Category*	*Quantity*
agile wallaby	Macropus agilis	Live	50 Animal/s

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Conditions of Approval

General Permit Conditions

Agency Interest: General

PG1 1. Neighbours, Police and the relevant Local Authority should be notified prior to commencement of operations.
2. Non-lethal deterrent methods are to be used in conjunction with this permit.
3. Taking can occur only within the boundaries of the landholders property.
4. Carcasses to be disposed of in an appropriate manner.

PG2 The following persons are authorised to carry out the permitted activities:
s.49 [redacted]

Conditions for: Culling Wildlife to prevent damage or loss

Agency Interest: General

A1G1 Important notes:
A Return of operations form must be sent to EHP within 10 business days after each 3 month period, and you must keep a copy for your records. If the Return of operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the following EHP website link:
http://www.ehp.qld.gov.au/licences-permits/plants-animals/return_of_operations.html

Agency Interest: Biodiversity

A1B1 Macropods
1. Macropods must be taken by centrefire rifle in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

RTI DL RELEASE - EHP

s.49 [redacted]

Michael Joyce
Delegate
Department of Environment and Heritage Protection

STATEMENT OF REASONS

Statement of reasons provided pursuant to section 33 of the Judicial Review Act 1991.

Applicant's name	s.49 [redacted]
Decision maker	Michael Joyce, the delegate of the chief executive in accordance with the delegation given under section 141 of the *Nature Conservation Act 1992* **(the Act)**
Decision	Granted
Date of decision	29/11/13

Introduction

On 14th October 2013, s.49 [redacted] employed by Dole Australia Pty Ltd lodged an application for a damage mitigation permit (culling and dispersal of wildlife) to take 300 Agile Wallabies *(Macropus agilis)*. This number proved to be incorrect upon visiting the property and s.48 [redacted] said that he made an error when submitting the permit. Rangers Jochem van der Reijden and Tayce Cook established with [redacted] s.49 [redacted] that he was seeking permission to lethally take up to 50 Agile wallabies.

On 28th November 2013, after consideration of the material before me, I, Michael Joyce under section 185 of the *Nature Conservation (Wildlife Management) Regulation 2006* signed a letter to s.49 [redacted] confirming my decision.

Relevant legislation

The *Nature Conservation (Wildlife Management) Regulation 2006* **(the Wildlife Management Regulation)** chapter 3, part 4, division 2 governs the grant of damage mitigation permits (DMP) for animals as follows:

Section 182 provides that I may grant a damage mitigation permit for a least concern animal.

Section 184 provides that I may grant a DMP only for one or both of the following purposes:
(a) to prevent damage or loss caused, or likely to be caused, by a protected animal;
(b) to prevent or minimise a threat, or potential treat, to human health and wellbeing caused by a protected animal.

Section 185 provides that a DMP may be granted for damage or loss caused by a protected animal only if I am satisfied–

(a) the animal is causing, or may cause, damage; and
(b) the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
(c) if the damage is no prevented or controlled-
    (i) individuals may suffer significant economic loss; or
    (ii) the ecological sustainability of nature is likely to be harmed;' and
(d) action under the permit will not adversely affect the survival of the animal in the wild; and

RTI DL RELEASE - EHP

(e) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.

Section 25 of the *Nature Conservation (Administration) Regulation 2006* **(the Administration Regulation)** provides that in considering an application I must have regard to each of the following-

(a) The impact the activities that may be carried out under the DMP may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
(b) The effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
(c) Any contribution the applicant proposes to make to the conservation of nature;
(d) Any relevant Australian or international code, instrument, protocol or standard or nay relevant intergovernmental agreement;
(e) The precautionary principle;
(f) Public health and safety
(g) The public interest
(h) Whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation;
(i) Any recovery plan for wildlife to which the authority applies.

Pursuant to section 25(2) of the Administration Regulation I may have regard to anything else I consider appropriate to achieve the object of the Act.

Material on which the findings of fact were made

In arriving at my decision I had before me the following material for consideration:

- *Nature Conservation Act 1992*, (The Act), the Wildlife Management Regulation and the Administration Regulation 2006
- Damage Mitigation Permit Application submitted 14th October 2013
- Damage Mitigation Permit Application Assessment dated 27th November 2013

RTI DL RELEASE - EHP

Findings of fact

I assessed the application against the requirements of the Nature Conservation legislation and made the following findings of fact: Conditions are included in the findings of fact.

Legislative requirement	Finding
Section 182 of the Wildlife Management Regulation	Agile wallabies are a species of least concern by virtue of Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*
Section 185(1)(a) of the Wildlife Management Regulation	I am satisfied that the animals are causing, or may cause damage as they feed on the banana seedlings, bunches, irrigation and stems. Evidence of damage was witnessed by wildlife rangers during a site inspection on 27th November 2013.
Section 185(1)(b)	I am satisfied the landholder of the land on which the

	animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevent or minimised the damage because the animals are habituating to previous attempts. Previous attempts include chasing the animals at various times of day/night, air horn and electric fencing. Recommended Conditions to the Permit are that various non-lethal methods (to be decided by the owner) are to be used in conjunction with this permit.
Section 185(1)(c)	I am satisfied that if the damage is not prevented or controlled individuals may suffer significant economic loss as an estimated financial loss s.49 [redacted] per year. The loss has been determined by the loss of banana production and the increasing cost of labour.
Section 185(1)(d)	I am satisfied that action under the permit will not adversely affect the survival of the animal in the wild because only 50 animals have been approved to be taken. Recommendations for DMP numbers to be taken are based on number estimated by the applicant.
Section 185(1)(e)	I am satisfied that the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal because the shooting will be conducted by a licensed firearm holder. Any action to be taken will be in accordance with the national Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes especially for dealing with females and their young as conditioned on the permit. Also, accurate records of animals shot under this permit must be recorded in the return form provided and the return of operations form to be sent to EHP within 10 business days after each 3 month period.

I have considered matters under Section 25 (1)(a-h) and (2) of the Administration Regulation.

As a result I have made the following conditions applicable to this permit in regard to public health, safety and interest.

- For the applicant to notify neighbours, police and the relevant authorities prior to commencement of operations.
- Taking can occur only within the boundaries of the landholders property
- Carcasses to be disposed of in an appropriate manner.

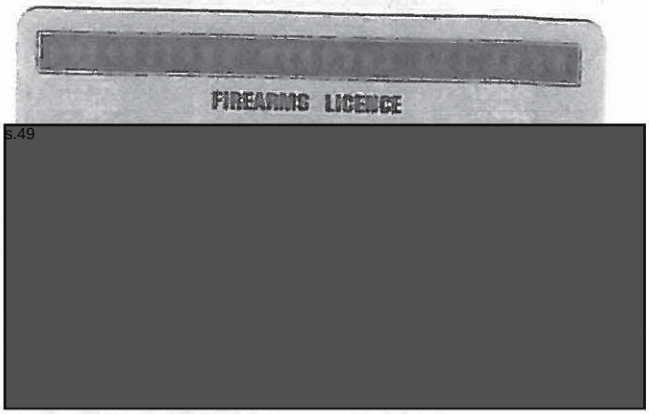
Reasons for making the decision

I was satisfied of all the matters set out in section 185 of the Wildlife Management Regulation have been met and accordingly I was able to grant a DMP.

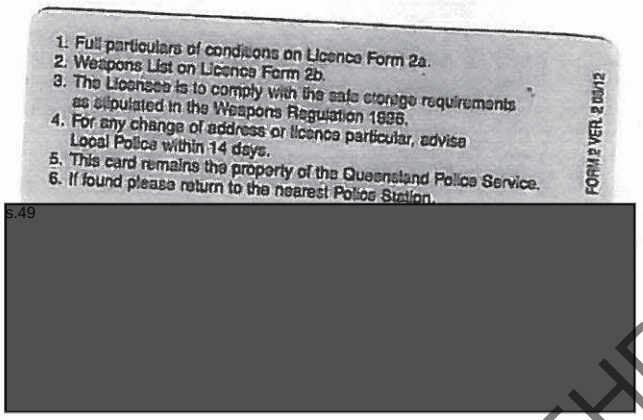
s.49 - Signature [redacted]

Michael Joyce [redacted]
Delegate
Department of Environment & Heritage Protection

RTI DLRELEASE - EHP



RTI DL RELEASE - EHP



RTI DL RELEASE - EHP

Application form

Section 12(a) – *Nature Conservation (Administration) Regulation 2006*

OFFICIAL USE ONLY

DATE RECEIVED

FILE REF

PROJECT REF

COMPLETE FORM ☐ CORRECT AA ☐

COMPLETE FEE ☐

ADMINISTERING DISTRICT

ENTERED BY [SIGNATURE]

DATE

Damage mitigation permit (culling and dispersal of wildlife)

Important information for applicants

This form is to be used to apply for a damage mitigation permit for the purpose of culling and dispersal of wildlife (**note: a separate application form is required for lethal take of flying-foxes damaging crops**). Information requested will enable your application to be processed as prescribed by the *Nature Conservation Act 1992*. A damage mitigation permit may be granted for a maximum period of six months, unless you operate under an approved property management plan (PMP), when it may be granted for a maximum period of three years. If you wish to submit a PMP for approval and receive a damage mitigation permit for up to three years please contact Permit and Licence Management on 1300 130 372 for the appropriate PMP template form to accompany this application. Your application must be assessed and a permit granted by the chief executive before you can proceed with the proposed activity. Your application may take up to 40 business days to process.

Before completing your application please read the information materials included with your application kit. Before lodging this application you should be familiar with the requirements of the Nature Conservation Act available from the Office of the Queensland Parliamentary Counsel website http://www.legislation.qld.gov.au. If you have queries about how to complete this form correctly or need guidance contact the Permit and Licence Management on **1300 130 372**.

RTI DI RELEASE - EHP

Applicant information

A wildlife authority may only be granted to an individual or corporation (only if the corporation has an office within Queensland). Please tick the appropriate box:

☐ **AN INDIVIDUAL→** **Complete** Section 1 **applicant details — then complete sections 3 to 11**

☒ **A CORPORATION →** **Complete** Section 2 **applicant details — then complete sections 3 to 11.**

1. Applicant details for an individual

APPLICANT'S FAMILY NAME	TITLE
APPLICANT'S GIVEN NAME/S	DATE OF BIRTH
RESIDENTIAL ADDRESS (NOT A POST OFFICE BOX)	POST CODE

ABN 46 640 294 485

TELEPHONE (BUSINESS HOURS)	MOBILE	FACSIMILE

Great state. Great opportunity.

Queensland Government

TELEPHONE (AFTER HOURS)	EMAIL	
POSTAL ADDRESS (WRITE 'AS ABOVE" IF SAME AS RESIDENTIAL ADDRESS)		POST CODE

2. Application details for corporations

REGISTERED LEGAL ENTITIY NAME (NOT A BUSINESS TRADING NAME) Dole Australia Pty Ltd		
TRADING NAME/S (IF APPLICABLE) Dole Australia Pty Ltd		
REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX) 1/212 McLeod Street, Cairns, QLD		POST CODE 4870
TELEPHONE (BUSINESS HOURS) s.49 [redacted]	FACSIMILE 0740923633	
EMAIL missionbeach@doleintl.com	WEBSITE	
POSTAL ADDRESS (WRITE 'AS ABOVE' IF SAME AS RESIDENTIAL ADDRESS) As Above		POST CODE
ABN / ACN / AN, OR TITLE AND SECTION OF LEGISLATION UNDER WHICH CORPORATION HAS LEGAL STATUS 86119365418		
NAME OF PRINCIPAL OF CORPORATION Emanuel Javellana		
SIGNATURE OF PRINCIPAL OF CORPORATION (or person authorised to sign on their behalf) Company Secretary : s.49 [redacted] s.49 - Signature [redacted]		DATE 14/10/2013

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Details of nominated person in charge where the licensed [redacted] to be undertaken

NOMINATED CONTACT PERSON'S FAMILY NAME s.49 [redacted]		TITLE s.49 [redacted]
NOMINATED CONTACT PERSON'S GIVEN NAME/S s.49 [redacted]		DATE OF BIRTH s.49 [redacted]
RESIDENTIAL ADDRESS (NOT A POST OFFICE BOX) s.49 [redacted]		POSTCODE s.49 [redacted]
TELEPHONE (BUSINESS HOURS) 0740886626	MOBILE s.49 [redacted]	FACSIMILE
TELEPHONE (AFTER HOURS)	EMAIL s.49 [redacted] @doleintl.com	
POSTAL ADRESS (WRITE "AS ABOVE" IF SAME AS RESIDENTIAL ADDRESS) s.49 [redacted]		POSTCODE 4860

3. Have you previously held this type of permit?

This may include permits in other States.

Yes ☐ No ☒ If yes, state the permit number (if known)

If yes, has the 'return of operations' been submitted? ☐ Yes ☐ No

(A return of operation is due for each 3 month period during the life of the permit)

If no, a permit may not be issued until returns are submitted.

4. Provide the name(s) of the persons(s) operating under this permit

FAMILY NAME s.49 [redacted]	GIVEN NAME s.49 [redacted]
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME

5. What is your reason for applying for this permit? (e.g. damage to pastures, grains, crops, threat to human health and well-being etc.)

STATEMENT OF REASONS

Damage to Banana Seedlings - Electric fence in place and ineffective

6. Outline monetary loss experienced

$6400 per Hectare - Short Term - loss of seedlings
$32,000 per Hectare - Long Term - loss of production

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7. What previous damage mitigation method(s) have you tried (if any) and was this successful?

(You must be able to demonstrate that you have tried a combination of at least two non-lethal methods before a lethal damage mitigation permit application will be considered)

PREVIOUS METHOD/S
Installation of electric fence Air horn, loud noises

8. Activity location

Where will the activities be conducted? Provide the street address, real property description(s) of the land(s) in which the project is located and local government area. If you require more space, attach a separate sheet.

STREET ADDRESS	
Lot 12 Campbell Street, Mission Beach QLD 4852	
LOT	PLAN
LOCAL GOVERNMENT AREA	

If possible provide a specific location, a property name or an attached map with the location clearly delineated. Also include the map name/details.

SPECIFIC LOCATION/PROPERTY NAME
GEOGRAPHICAL COORDINATES

RTI DL RELEASE - EHP

9. Wildlife details

What wildlife does the application refer to?

(If you require more space, attach a separate sheet of wildlife details)

COMMON NAME	SCIENTIFIC NAME	QUANTITY
Wallaby	Macropus Agilis	300

10. What are the approximate start and completion dates of the project?

START DATE	FINISH DATE
As soon as permit is aquired	2 Months

11. Weapons Act licence number

If you intend to use a firearm to take wildlife please give your Weapons Act licence number and attach a photocopy of your licence or have your licence sighted and your application witnessed by a Queensland Parks and Wildlife Service officer, a Queensland Police Officer or a Commissioner for Declarations/Justice of the Peace.

Licence details

NAME ON LICENCE s.49 [redacted]
LICENCE NUMBER s.49 [redacted]

Witnessing officer (Not required if a copy of your Weapons Act licence is attached)

SIGNATURE	TITLE
FAMILY NAME	
GIVEN NAME/S	

If you require additional space, attach a separate sheet of Weapons Act licence details.

RTI DL RELEASE - EHP

12. Applicant suitability

The permit may be granted if the applicant is an appropriate person to hold the permit, that is, if the applicant has the ability to carry out activities under the authority in a competent and ethical way.

QUESTIONS		DETAILS
1. During the past 10 years have you ever (in Queensland or elsewhere) been found guilty of any criminal offence or entered a plea of guilty in a Court? (Note: does not include simple traffic offences such as parking, speeding). If yes, provide details of the offence/s.	☐ YES ☒ NO	
2. Have you ever had an equivalent permit from another State, Territory or country that was suspended and/or cancelled? If yes, provide details about the permit, the date it was suspended and/or cancelled and reasons for suspension/cancellation.	☐ YES ☒ NO	

13. Declaration

Note: If you have not told the truth in this application you may be liable for prosecution under the relevant Acts or Regulations.

- I do solemnly and sincerely declare that the information provided 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 on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

APPLICANT'S NAME	
Dole Australia Pty Ltd	
APPLICANT'S SIGNATURE s.49 - Signature	DATE 14/10/2013
IF THE APPLICANT IS A CORPORATION, PLEASE INDICATE YOUR POSITION IN THE CORPORATION Company Secretary	

14. Applicant checklist

☒ Application form completed, signed and dated

☒ Supporting information and accreditation attached (if applicable)

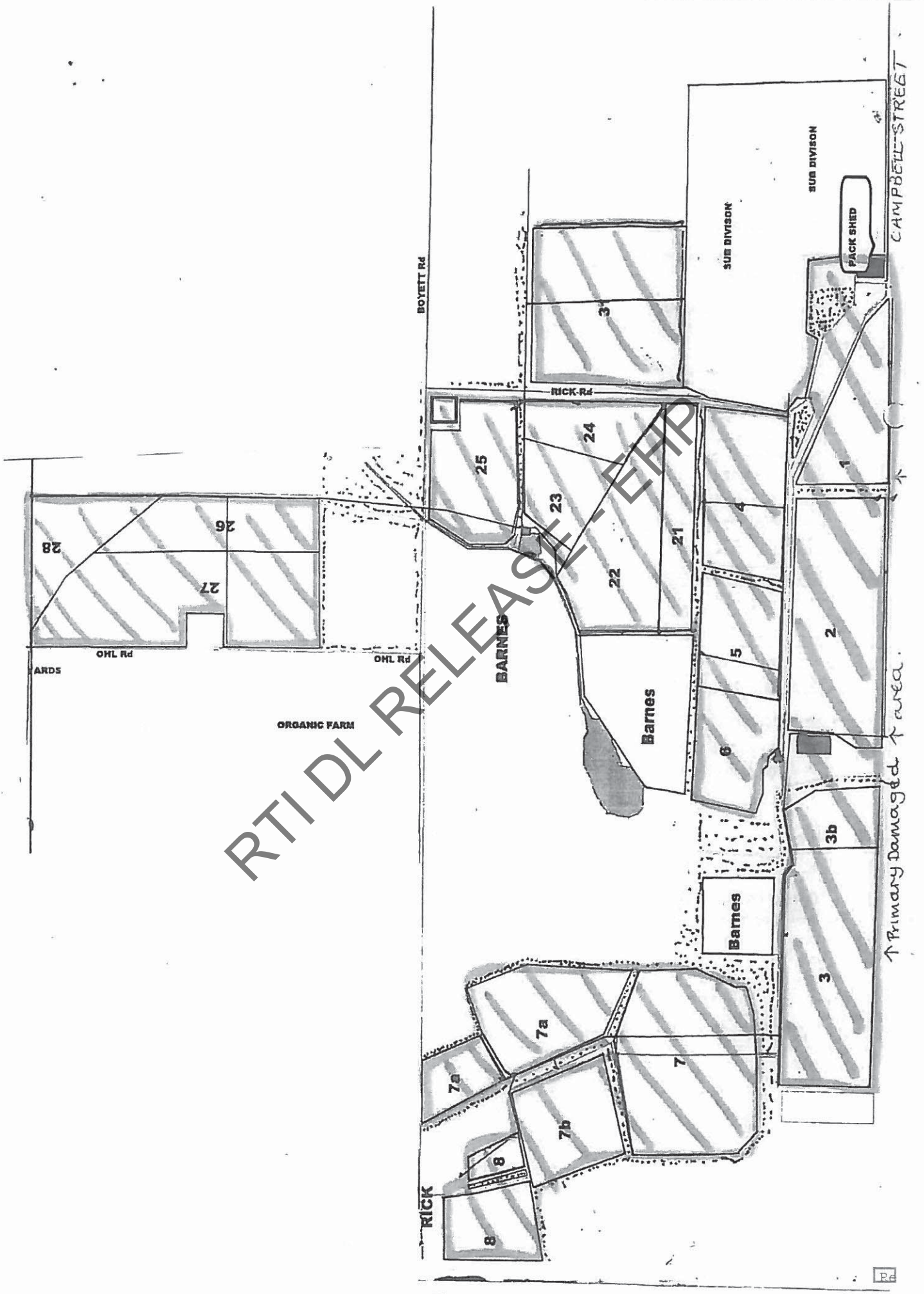
Please return your completed application kit to:

Permit and Licence Management
Department of Environment and Heritage Protection
GPO Box 2454
Brisbane
Queensland 4001

Enquiries: **1300 130 372**
Facsimile: (07) 3896 3342
Email: palm@ehp.qld.gov.au

Code of Practice or guidelines may be obtained from the EHP website http://www.ehp.qld.gov.au or by contacting the EHP Referral Centre on 1300 130 372.

RTI DE RELEASE - EHP



RTI DL RELEASE - EHP

Notice of decision - permit[1] application

This notice is issued by the administering authority to advise of a statutory decision on a permit application.

Dole Australia Pty Ltd
1/212 McLeod Street
CAIRNS QLD 4870

Our reference: 408114

Dear Sir/Madam

Re: Decision made in relation to your application

Your application received on 14-OCT-2013 has been assessed and the decision in regard to your application is specified below:

Permit applied for	Permit Number	Decision
Damage Mitigation Permit under Nature Conservation (Administration) Regulation 2006	WIMP13608013	Granted

For the permit applied for that has been granted, the conditions of approval are attached. Where applicable, a Statement of Reasons is provided in relation to the decision. Please note that for the approval, this Notice of Decision and the relevant attachments constitute the permit documentation. Please retain this approval documentation for your records.

Included with this notice is advice on review and appeal processes that may be available to you. Should you seek a review or appeal, you are advised to seek independent advice before taking such action.

If you require more information, please contact Tayce Cook on the telephone number listed below.

Yours sincerely
s.49 - Signature
[redacted]

Michael Joyce
Department of [redacted]nment and Heritage Protection
Date 29/11/[redacted]

Enquiries:
Wildlife - Cairns - Tingira
PO Box 2066
CAIRNS QLD 4870

Attachment - Permit/Statement of Reasons

RTI DL RELEASE - EHP

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Notice of decision - permit[1] application

This notice is issued by the administering authority to advise of a statutory decision on a permit application.

Dole Australia Pty Ltd
1/212 McLeod Street
CAIRNS QLD 4870

Our reference: 408114

Dea s.49 [redacted]

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Yours sincerely

Michael Joyce
Department of Environment and Heritage Protection
Date

Enquiries:
Wildlife - Cairns - Tingira
PO Box 2066
CAIRNS QLD 4870

Attachment - Permit/Statement of Reasons

RTI DL RELEASE - EHP

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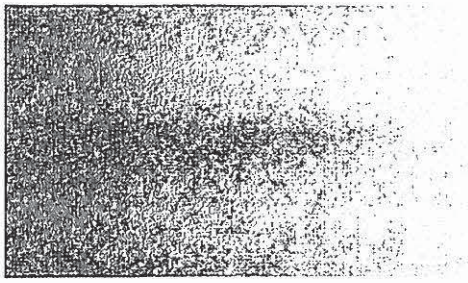

Permit[1]

This permit is issued under the following legislation:

S12(A) Nature Conservation (Administration) Regulation 2006

Damage Mitigation Permit

Permit number: WIMP13608013

Valid from: 29-NOV-2013 **to** 28-NOV-2014

Parties to the Permit

Role	Name	Address
Principal Holder	Dole Australia Pty Ltd (t/a Dole Australia Pty Ltd) 86119365418	1/212 McLeod Street CAIRNS QLD 4870
Person In Charge	s.49 [redacted]	s.49 [redacted]

Permitted Location Activity Details

Location (s)	Activity (s)
Lot 12 Campbell Street, Mission Beach, QLD, 4852	Culling Wildlife to prevent damage or loss

Permit Details

Species Details

Location		Activity	
Lot 12 Campbell Street, Mission Beach, QLD, 4852		Culling Wildlife to prevent damage or loss	
Common Name	***Scientific Name***	***Category***	***Quantity***
agile wallaby	Macropus agilis	Live	50 Animal/s

RTI DL RELEASE - EHP

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Conditions of Approval

General Permit Conditions

Agency Interest: General

PG1 1. Neighbours, Police and the relevant Local Authority should be notified prior to commencement of operations.
2. Non-lethal deterrent methods are to be used in conjunction with this permit.
3. Taking can occur only within the boundaries of the landholders property.
4. Carcasses to be disposed of in an appropriate manner.

PG2 The following persons are authorised to carry out the permitted activities:
s.49 [redacted]

Conditions for: Culling Wildlife to prevent damage or loss

Agency Interest: General

A1G1 Important notes:
A Return of operations form must be sent to EHP within 10 business days after each 3 month period, and you must keep a copy for your records. If the Return of operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the following EHP website link:
http://www.ehp.qld.gov.au/licences-permits/plants-animals/return_of_operations.html

Agency Interest: Biodiversity

A1B1 Macropods
1. Macropods must be taken by centrefire rifle in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

RTI DE-RELEASE - EHP

s.49 - Signature [redacted]

Signed [redacted]

Michael Joyce
Delegate
Department of Environment and Heritage Protection

STATEMENT OF REASONS

Statement of reasons provided pursuant to section 33 of the Judicial Review Act 1991.

Applicant's name	s.49 [redacted]
Decision maker	Michael Joyce, the delegate of the chief executive in accordance with the delegation given under section 141 of the *Nature Conservation Act 1992* **(the Act)**
Decision	Granted
Date of decision	29/11/13

Introduction

On 14th October 2013 s.49 [redacted] employed by Dole Australia Pty Ltd lodged an application for a damage mitigation permit (culling and dispersal of wildlife) to take 300 Agile Wallabies *(Macropus agilis)*. This number proved to be incorrect upon visiting the property and s.49 [redacted] said that he made an error when submitting the permit. Rangers Jochem van der Reijden and Tayce Cook established with s.49 [redacted] s.49 [redacted] that he was seeking permission to lethally take up to 50 Agile wallabies.

On 28th November 2013, after consideration of the material before me, I, Michael Joyce under section 185 of the *Nature Conservation (Wildlife Management) Regulation 2006* signed a letter to s.49 [redacted] confirming my decision.

Relevant legislation

The *Nature Conservation (Wildlife Management) Regulation 2006* **(the Wildlife Management Regulation)** chapter 3, part 4, division 2 governs the grant of damage mitigation permits (DMP) for animals as follows:

Section 182 provides that I may grant a damage mitigation permit for a least concern animal.

Section 184 provides that I may grant a DMP only for one or both of the following purposes:
(a) to prevent damage or loss caused, or likely to be caused, by a protected animal;
(b) to prevent or minimise a threat, or potential treat, to human health and wellbeing caused by a protected animal.

Section 185 provides that a DMP may be granted for damage or loss caused by a protected animal only if I am satisfied–

(a) the animal is causing, or may cause, damage; and
(b) the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
(c) if the damage is no prevented or controlled-
    (i) individuals may suffer significant economic loss; or
    (ii) the ecological sustainability of nature is likely to be harmed;' and
(d) action under the permit will not adversely affect the survival of the animal in the wild; and

RTI DL RELEASE - EHP

(e) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.

Section 25 of the *Nature Conservation (Administration) Regulation 2006* **(the Administration Regulation)** provides that in considering an application I must have regard to each of the following-

(a) The impact the activities that may be carried out under the DMP may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
(b) The effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
(c) Any contribution the applicant proposes to make to the conservation of nature;
(d) Any relevant Australian or international code, instrument, protocol or standard or nay relevant intergovernmental agreement;
(e) The precautionary principle;
(f) Public health and safety
(g) The public interest
(h) Whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation;
(i) Any recovery plan for wildlife to which the authority applies.

Pursuant to section 25(2) of the Administration Regulation I may have regard to anything else I consider appropriate to achieve the object of the Act.

Material on which the findings of fact were made

In arriving at my decision I had before me the following material for consideration:

- *Nature Conservation Act 1992,* (The Act), the Wildlife Management Regulation and the Administration Regulation 2006
- Damage Mitigation Permit Application submitted 14th October 2013
- Damage Mitigation Permit Application Assessment dated 27th November 2013

RTI DL RELEASE - EHP

Findings of fact

I assessed the application against the requirements of the Nature Conservation legislation and made the following findings of fact: Conditions are included in the findings of fact.

Legislative requirement	Finding
Section 182 of the Wildlife Management Regulation	Agile wallabies are a species of least concern by virtue of Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*
Section 185(1)(a) of the Wildlife Management Regulation	I am satisfied that the animals are causing, or may cause damage as they feed on the banana seedlings, bunches, irrigation and stems. Evidence of damage was witnessed by wildlife rangers during a site inspection on 27th November 2013.
Section 185(1)(b)	I am satisfied the landholder of the land on which the

	animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevent or minimised the damage because the animals are habituating to previous attempts. Previous attempts include chasing the animals at various times of day/night, air horn and electric fencing. Recommended Conditions to the Permit are that various non-lethal methods (to be decided by the owner) are to be used in conjunction with this permit.
Section 185(1)(c)	I am satisfied that if the damage is not prevented or controlled individuals may suffer significant economic loss as an estimated financial loss s.49 [redacted] per year. The loss has been determined by the loss of banana production and the increasing cost of labour.
Section 185(1)(d)	I am satisfied that action under the permit will not adversely affect the survival of the animal in the wild because only 50 animals have been approved to be taken. Recommendations for DMP numbers to be taken are based on number estimated by the applicant.
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I have considered matters under Section 25 (1)(a-h) and (2) of the Administration Regulation.

As a result I have made the following conditions applicable to this permit in regard to public health, safety and interest.

- For the applicant to notify neighbours, police and the relevant authorities prior to commencement of operations.
- Taking can occur only within the boundaries of the landholders property
- Carcasses to be disposed of in an appropriate manner.

Reasons for making the decision

I was satisfied of all the matters set out in section 185 of the Wildlife Management Regulation have been met and accordingly I was able to grant a DMP.

s.49 - Signature [redacted]

Michael Joyce [redacted]
Delegat[redacted]
Department of Environment & Heritage Protection

RTI DLR RELEASE - EHP

Application form

Section 12(a) – Nature Conservation (Administration) Regulation 2006

OFFICIAL USE ONLY

DATE RECEIVED

FILE REF

PROJECT REF

COMPLETE FORM ☐ CORRECT AA ☐

COMPLETE FEE ☐

ADMINISTERING DISTRICT

ENTERED BY [SIGNATURE]

DATE

Damage mitigation permit (culling and dispersal of wildlife)

Important information for applicants

This form is to be used to apply for a damage mitigation permit for the purpose of culling and dispersal of wildlife (**note: a separate application form is required for lethal take of flying-foxes damaging crops**). Information requested will enable your application to be processed as prescribed by the *Nature Conservation Act 1992*. A damage mitigation permit may be granted for a maximum period of twelve months, unless you operate under an approved property management plan (PMP), when it may be granted for a maximum period of three years. If you wish to submit a PMP for approval and receive a damage mitigation permit for up to three years please contact Permit and Licence Management on 1300 130 372 for the appropriate PMP template form to accompany this application. Your application must be assessed and a permit granted by the chief executive before you can proceed with the proposed activity. Your application may take up to 40 business days to process.

Before completing your application please read the information materials included with your application kit. Before lodging this application you should be familiar with the requirements of the Nature Conservation Act available from the Office of the Queensland Parliamentary Counsel website http://www.legislation.qld.gov.au. If you have queries about how to complete this form correctly or need guidance contact the Permit and Licence Management on **1300 130 372**.

RTI DL RELEASE - EHP

Applicant information

A wildlife authority may only be granted to an individual or corporation (only if the corporation has an office within Queensland). Please tick the appropriate box:

☑ AN INDIVIDUAL→ **Complete** Section 1 **applicant details — then complete sections 3 to 11**

☐ A CORPORATION → **Complete** Section 2 **applicant details — then complete sections 3 to 11.**

1. Applicant details for an individual

APPLICANT'S FAMILY NAME [redacted] s.49

APPLIC [redacted] s.49

[redacted] s.49

[redacted] s.49

POST CODE [redacted] s.49

TELEPHONE (BUSINESS HOURS) | MOBILE | FACSIMILE

TELEPHONE (AFTER HOURS)	EM[redacted]	
POSTAL ADDRESS (WRITE 'AS ABOVE' IF SAME AS RESIDENTIAL ADDRESS)		POST CODE

2. Application details for corporations

REGISTERED LEGAL ENTITIY NAME (NOT A BUSINESS TRADING NAME)		
TRADING NAME/S (IF APPLICABLE)		
REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX)		POST CODE
TELEPHONE (BUSINESS HOURS)	FACSIMILE	
EMAIL	WEBSITE	
POSTAL ADDRESS (WRITE 'AS ABOVE' IF SAME AS RESIDENTIAL ADDRESS)		POST CODE
ABN / ACN / AN, OR TITLE AND SECTION OF LEGISLATION UNDER WHICH CORPORATION HAS LEGAL STATUS		
NAME OF PRINCIPAL OF CORPORATION		
SIGNATURE OF PRINCIPAL OF CORPORATION (or person authorised to sign on their behalf)		DATE

RTI DL RELEASE - EHP

Details of nominated person in charge where the licensed activity is to be undertaken

NOMINATED CONTACT PERSON'S FAMILY NAME		
NOMINATED CONTACT PERSON'S GIVEN NAME/S		
TELEPHONE (BUSINESS HOURS)	MOBILE	FACSIMILE
TELEPHONE (AFTER HOURS)		
POSTAL ADDRESS (WRITE 'AS ABOVE' IF SAME AS RESIDENTIAL ADDRESS)		POST CODE

3. Have you previously held this type of permit?

This may include permits in other States.

Yes ☐ No ☑ If yes, state the permit number (if known)

If yes, has the 'return of operations' been submitted? ☐ Yes ☑ No

(A return of operation is due for each 3 month period during the life of the permit)

If no, a permit may not be issued until returns are submitted.

4. Provide the name(s) of the persons(s) operating under this permit

FAMILY NAME s.49 [redacted]	GIVEN NAME s.49 [redacted]
	GIVEN NAME
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME

RTI DL RELEASE - EHP

5. What is your reason for applying for this permit? (e.g. damage to pastures, grains, crops, threat to human health and well-being etc.)

STATEMENT OF REASONS

HEALTH & WELL BEING. SOIL EROSION.
PASTURE & GRASS DAMAGE. TICKS ON FAMILY PETS.
PROLIFIC WEED GROWTH.
HOLES IN GROUND. SCAT ACCUMULATE.

6. Outline monetary loss experienced

LAND VALUATION REDUCTION.
VET ON PET EXPENSES DUE TO PET GETTING TICKS
COST OF ERECTING FENCE AROUND HOUSE.

7. What previous damage mitigation method(s) have you tried (if any) and was this successful?

(You must be able to demonstrate that you have tried a combination of at least two non-lethal methods before a lethal damage mitigation permit application will be considered)

PREVIOUS METHOD/S

BLOOD & BONE & CHILLI AROUND PROPERTY BOUNDARY.
SLASHING & MOWING.
CHASING ON FOOT TRUCK VEHICLE RIDE ON.
UNIP CRACKING FENCED HOUSE AREA.

8. Activity location

Where will the activities be conducted? Provide the street address, real property description(s) of the land(s) in which the project is located and local government area. If you require more space, attach a separate sheet.

s.49 [redacted]

LOT	PLAN

LOCAL GOVERNMENT AREA

s.49 [redacted]

If possible provide a specific location, a property plan or an attached map with the location clearly delineated. Also include the map name/details.

SPECIFIC LOCATION/PROPERTY NAME
GEOGRAPHICAL COORDINATES

RTI DL RELEASE - EHP

9. Wildlife details

What wildlife does the application refer to?

(If you require more space, attach a separate sheet of wildlife details)

COMMON NAME	SCIENTIFIC NAME	QUANTITY
AGILE WALLABY	MACROPUS AGILIS.	300

10. What are the approximate start and completion dates of the project?

START DATE	FINISH DATE
ASAP	

11. Weapons Act licence number

If you intend to use a firearm to take wildlife please give your Weapons Act licence number and attach a photocopy of your licence or have your licence sighted and your application witnessed by a Queensland Parks and Wildlife Service officer, a Queensland Police Officer or a Commissioner for Declarations/Justice of the Peace.

Licence details

NAME ON LICENCE
LICENCE NUMBER

Witnessing officer (Not required if a copy of your Weapons Act licence is attached)

SIGNATURE	TITLE
FAMILY NAME	
GIVEN NAME/S	

If you require additional space, attach a separate sheet of Weapons Act licence details.

RTI DL RELEASE - EHP

12. Applicant suitability

The permit may be granted if the applicant is an appropriate person to hold the permit, that is, if the applicant has the ability to carry out activities under the authority in a competent and ethical way.

QUESTIONS		DETAILS
1. During the past 10 years have you ever (in Queensland or elsewhere) been found guilty of any criminal offence or entered a plea of guilty in a Court? (Note: does not include simple traffic offences such as parking, speeding). If yes, provide details of the offence/s.	☐ YES ☑ NO	
2. Have you ever had an equivalent permit from another State, Territory or country that was suspended and/or cancelled? If yes, provide details about the permit, the date it was suspended and/or cancelled and reasons for suspension/cancellation.	☐ YES ☑ NO	

13. Declaration

Note: If you have not told the truth in this application you may be liable for prosecution under the relevant Acts or Regulations.

- I do solemnly and sincerely declare that the information provided 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 on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

s.49 [redacted]	
APPLICANT'S SIGNATURE s.49 - Signature [redacted]	DATE 12-2-2014
IF THE APPLICANT IS A CORPORATION, PLEASE INDICATE YOUR POSITION IN THE CORPORATION	

14. Applicant checklist

- ☑ Application form completed, signed and dated
- ☐ Supporting information and accreditation attached (if applicable)

Please return your completed application kit to:

Permit and Licence Management
Department of Environment and Heritage Protection
GPO Box 2454
Brisbane
Queensland 4001

Enquiries: **1300 130 372**
Facsimile: (07) 3330 5875
Email: palm@ehp.qld.gov.au

Code of Practice or guidelines may be obtained from the EHP website http://www.ehp.qld.gov.au or by contacting the EHP Referral Centre on 1300 130 372.

RTI DL RELEASE - EHP

Notice of decision - permit[1] application

This notice is issued by the administering authority to advise of a statutory decision on a permit application.

s.49 [redacted]

Our reference: 412835

Dear s.49 [redacted]

Re: Decision made in relation to your application

Your application received on 14-FEB-2014 has been assessed and the decision in regard to your application is specified below:

Permit applied for	Permit Number	Decision
Damage Mitigation Permit under Nature Conservation (Administration) Regulation 2006	WIMP14160814	Granted - level 2

For the permit applied for that has been granted, the conditions of approval are attached. Where applicable, a Statement of Reasons is provided in relation to the decision. Please note that for the approval, this Notice of Decision and the relevant attachments constitute the permit documentation. Please retain this approval documentation for your records.

Included with this notice is advice on review and appeal processes that may be available to you. Should you seek a review or appeal, you are advised to seek independent advice before taking such action.

If you require more information, please contact Sally Morris on the telephone number listed below.

s.49 - Signature [redacted]

Michael Joyce
Department of Environment and Heritage Protection
Date 14/02/14

Enquiries:
Wildlife - Savanna - QPW
PO Box 375
GARBUTT EAST QLD 4814
Phone: (07) 4796 7775

Attachment - Permit/Statement of Reasons

[1] Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Department of Environment and Heritage Protection
www.ehp.qld.gov.au ABN 46 640 294 485

Queensland Government

RTI DL RELEASE - EHP

Permit[1]

This permit is issued under the following legislation:

S12(A) Nature Conservation (Administration) Regulation 2006

Damage Mitigation Permit

Permit number: WIMP14160814

Valid from: 17-FEB-2014 **to** 16-FEB-2015

Parties to the Permit

Role	Name	Address
Principal Holder	s.49 [redacted]	s.49 [redacted]

Permitted Location Activity Details

Location (s)	Activity (s)
s.49 [redacted]	Culling Wildlife to prevent damage or loss

Permit Details

Species Details

Location	Activity
s.49 [redacted]	Culling Wildlife to prevent damage or loss

Common Name	*Scientific Name*	*Category*	*Quantity*
agile wallaby	Macropus agilis	Live	300 Animal/s

RTI DL RELEASE - EHP

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Conditions of Approval

General Permit Conditions

Agency Interest: General

PG1	The following persons are authorised to operate under the permit: s.49 [redacted]
PG2	1. Neighbours, Police and relevant Local Authority should be notified prior to commencement of operations 2. Taking can occur only within the boundaries of the Landholder's property 3. Carcasses to be disposed of by incineration or burial
PG3	A Return of Operations Form must be sent to EHP within 10 business days after each three month period, and you must keep a copy for your records. If the Return of Operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the following EHP website link: http://www.ehp.qld.gov.au/licences-permits/plans-animals/return_of_operations.html

Agency Interest: Biodiversity

PB1	Accurate records of animals shot under this permit must be recorded in the return form provided. These must be made at the end of each day/night that the animals are taken.
PB2	Non-lethal detterent methods are to be used in conjunction with this permit

Conditions for: Culling Wildlife to prevent damage or loss

Agency Interest: Biodiversity

A1B1	Macropods 1. Macropods must be taken by centrefire rifle in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

s.49 - Signature [redacted]

Michael [redacted]
Delegate
Department of Environment and Heritage Protection 14/02/14.

RTI DE-RELEASE - EHP

STATEMENT OF REASONS

Statement of reasons provided pursuant to section 33 of the Judicial Review Act 1991.

Applicant's name	s.49 [redacted]
Decision maker	Michael Joyce, the delegate of the chief executive in accordance with the delegation given under section 141 of the *Nature Conservation Act 1992* (the Act)
Decision	Granted
Date of decision	14 February 2014

Introduction

On 14 February 2014 s.49 [redacted] lodged an application for a Damage Mitigation Permit (culling and dispersal).

On 14 February 2014 after consideration of the material before me, I, Michael Joyce under section 185 and 186 granted and signed a letter to s.49 [redacted] confirming my decision.

Relevant legislation

The *Nature Conservation (Wildlife Management) Regulation 2006* (the Wildlife Management Regulation) chapter 3, part 4, division 2 governs the grant of damage mitigation permits (DMP) for animals as follows:

Section 182 provides that I may grant a damage mitigation permit for a least concern animal.

Section 184 provides that I may grant a DMP only for one or both of the following purposes:
(a) to prevent damage or loss caused, or likely to be caused, by a protected animal;
(b) to prevent or minimise a threat, or potential treat, to human health and wellbeing caused by a protected animal.

Section 185 provides that a DMP may be granted for damage or loss caused by a protected animal only if I am satisfied–

(a) the animal is causing, or may cause, damage; and
(b) the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
(c) if the damage is no prevented or controlled-
    (i) individuals may suffer significant economic loss; or
    (ii) the ecological sustainability of nature is likely to be harmed;' and
(d) action under the permit will not adversely affect the survival of the animal in the wild; and
(e) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.

Section 186 provides that a DMP may be granted for a threat or potential threat to human health and wellbeing caused by a protected animal only if I am satisfied-
(a) there is, or may be, a threat to a person's health and wellbeing resulting form

RTI/IL RELEASE - EHP

harm caused by the animal to the person; and
(b) action under the permit will not detrimentally affect the survival of the animal in the wild; and
(c) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.
(d) [s186(d) if DMP is for a reptile]

Section 25 of the *Nature Conservation (Administration) Regulation 2006* (the **Administration Regulation**) provides that in considering an application I must have regard to each of the following-
(a) The impact the activities that may be carried out under the DMP may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
(b) The effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
(c) Any contribution the applicant proposes to make to the conservation of nature;
(d) Any relevant Australian or international code, instrument, protocol or standard or nay relevant intergovernmental agreement;
(e) The precautionary principle;
(f) Public health and safety
(g) The public interest
(h) Whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation;
(i) Any recovery plan for wildlife to which the authority applies.

Pursuant to section 25(2) of the Administration Regulation I may have regard to anything else I consider appropriate to achieve the object of the Act.

Material on which the findings of fact were made

In arriving at my decision I had before me the following material for consideration:

- *Nature Conservation Act 1992* (The Act), the *Nature Conservation (Wildlife Management) Regulation 2006* and the *Nature Conservation (Administration) Regulation 2006.*
- Damage Mitigation Permit Application submitted on 14 February 2014
- Damage Mitigation Permit Application Assessment and associated recommendations conducted by Sally Morris dated 12/02/2014
- Photographic evidence taken date 12/02/2013 showing large Agile Wallaby population on s.49 [redacted] property and associated damage.
- Communication from Wildlife Ranger Sally Morris to delegate Michael Joyce
    - Documented previous site assessments and Agile Wallaby population surveys in the South Mission Beach area on 12 April 2013, 23 April 2013, 23 September 2013, 15 January 2014 and 3 February 2014.
    - Site visit and Agile Wallaby population count on s.49 [redacted] property on 3 February 2014
- Communication from s.49 [redacted] supplying tax

RTI DL RELEASE - EHP

Invoices demonstrating economic loss

Findings of fact

I assessed the application against the requirements of the Nature Conservation legislation and made the following findings of fact: Conditions are included in the findings of fact.

Legislative requirement	Finding
Section 182 of the Wildlife Management Regulation	Agile Wallaby (*Macropus agilis*) is a species of least concern by virtue of Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*
Section 185(1)(a) of the Wildlife Management Regulation	I am satisfied that the animal is causing, or may cause damage in the form of land and pasture damage and degradation including: - Trees and grass - Soil erosion - Prolific weed growth - Holes in the ground Recommended Conditions to the Permit are Non-lethal methods to be used in conjunction with lethal methods.
Section 185(1)(b)	I am satisfied the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevent or minimised the damage because the animals are habituated to humans and non-lethal control methods. The Landholder has used a wide variety of non-lethal methods over the last three years including; - Blood and bone fertiliser and chilli around the property perimeter - Ongoing slashing and mowing - Electric fence - Regular cracking of stock whip - Chase away on foot, vehicle, tractor, and mower. - Fenced the perimeter of the house - Spray with garden hose Recommended Conditions to the Permit are non-lethal methods to be used in conjunction with lethal methods
Section 185(1)(c)	I am satisfied that if the damage is not prevented or controlled individuals may suffer significant economic loss. Monetary loss suffered includes: s.49 [redacted]

RTI DL RELEASE - EHP

	s.49 [redacted]
Section 185(1)(d)	I am satisfied that action under the permit will not adversely affect the survival of the animal in the wild. The requested number of Agile Wallabies to be taken is 300 over a 12 month period. Agile Wallabies are a listed as a least concern species under Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*. The Landholder currently has approximately 500 Agile Wallabies on his property (as per field population counts on 3 February 2014 and 14 February 2014) and an unknown number in adjacent nature reserve.
Section 185(1)(e)	I am satisfied that the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal because: (1) The shooting will be conducted by a licensed firearm holder s.49 [redacted] (2) Any action to be taken will be in accordance with the national Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes especially for dealing with females and their young as conditioned on the permit. A hard copy of the document was been supplied to s.49 [redacted] during site visit on 12 February 2014. (3) Accurate records of animals shot under this permit must be recorded in the return form provided and the return of operations form to be sent to EHP within 10 business days after each 3 month period. A hard copy of the document was been supplied to s.49 [redacted] during site visit on 12 February 2014. Recommended Conditions to the Permit are: Accurate records of animals shot under this permit must be recorded in the return form provided. These must be made at the end of each day/night that the animals are taken. Macropods must be taken in a humane way as specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.
Section 186(a)	I am satisfied that there is, or may be, a threat to a person's health and wellbeing resulting from harm caused by the animal to the person because of the following reasons; - Increase in parasite populations (fleas and paralysis ticks) including feeding on family pets. - Large amounts of faecal matter on the property - Aggressive nature – large female Agile Wallaby approached s.49 [redacted] in a threatening

RTI DISCLOSURE - EHP

	manner while hanging he was out the washing. - Potential for vehicle collisions with wallabies
Section 186(b)	I am satisfied that action under the permit will not detrimentally affect the survival of the animal in the wild because the requested number of Agile Wallabies to be taken is 300 over a 12 month period. Agile Wallabies are a listed as a least concern species under Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*. The Landholder currently has approximately 500 Agile Wallabies on his property (as per field population counts on 3 February 2014 and 14 February 2014) and an unknown number in adjacent nature reserve.
Section 186(c)	I am satisfied the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal because: (1) The shooting will be conducted by a licensed firearm holder s.49 [redacted] (2) Any action to be taken will be in accordance with the national Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes especially for dealing with females and their young as conditioned on the permit. A hard copy of the document was been supplied to s.49 [redacted] during site visit on 12 February 2014. (3) Accurate records of animals shot under this permit must be recorded in the return form provided and the return of operations form to be sent to EHP within 10 business days after each 3 month period. A hard copy of the document was been supplied to s.49 [redacted] during site visit on 12 February 2014. Recommended Conditions to the Permit are: Accurate records of animals shot under this permit must be recorded in the return form provided. These must be made at the end of each day/night that the animals are taken. Macropods must be taken in a humane way as specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.
Section 186(d)	N/A

I have considered matters under Section 25 (1)(a-h) and (2) of the *Nature Conservation (Administration) Regulation 2006*

As a result I have made the following conditions applicable to this permit in regard to public health, safety and interest.

- For the applicant to notify neighbours, police and the relevant authorities prior to commencement of operations.
- Taking can occur only within the boundaries of the landholders property.
- Carcasses to be disposed of by incineration or burial.

RTI DISCLOSURE - EHP

I also note that there is no evidence of s.49 [redacted] having taken any illegal actions.

Reasons for making the decision

I was satisfied of all the matters set out in section 185 and 186 of the *Nature Conservation (Wildlife Management Regulation) 2006*. I have been met and accordingly I was able to grant a DMP. I decided to grant a DMP because:

- Severe economic loss due to macropod damage
- Threat to a person's health and wellbeing
- Take will not affect conservation of the species
- The take of the animal is humane
- A reasonable attempt has been made to move the macropods on by non-lethal methods. This process will continue to occur with lethal take as the last

s.49 - Signature [redacted]

14/02/2014

[redacted] Environment & Heritage Protection

RTI DL RELEASE - EHP

HERRIMAN Karmen

From: s.49
Sent: Thursday, 13 February 2014 7:38 AM
To: Morris Sally
Cc: s.49
Subject: s.49 - additional application documents as requested
Attachments: s.49 - Gun Licence.pdf; s.49 Rates Notice.pdf

Good Morning Sally,
as discussed with Kevin yesterday afternoon, I attach for your records:

1. Copy of s.49 - Firearms Licence
2. Copy of old rates notice - showing our real property description for your convenience.

s.49 has filled me in on your meeting yesterday and I thank you and your department for the assistance you have offered us thus far.
Please let me know If you require any further information regarding our application.
Kind regards,

s.49

RTI DL RELEASE - EHP

QUEENSLAND WEAPONS ACT 1990

FIREARMS LICENCE

s.49 [redacted]

1. Full particulars of conditions on Licence Form 2a.
2. Weapons List on Licence Form 2b.
3. The Licensee is to comply with the safe storage requirements as stipulated in the Weapons Regulation 1996.
4. For any change of address or licence particular, advise Local Police within 14 days.
5. This card remains the property of the Queensland Police Service.
6. If found please return to the nearest Police Station.

FORM 2 VER. 2.06/12

s.49 [redacted]

RTI DL RELEASE - EHP

Cassowary Coast Regional Council

TAX INVOICE A.B.N. 20 889 787 211

Northern Region
PO Box 887, INNISFAIL, Q 4860
Phone: 07 4030 2222, Fax: 07 4061 4258
innisfail@cassowarycoast.qld.gov.au

Southern Region
PO Box 401, TULLY, Q 4854
Phone: 07 4043 9100, Fax: 07 4068 1772
tully@cassowarycoast.qld.gov.au

HALF YEARLY RATE NOTICE
FOR THE PERIOD

5.49

[redacted]

RTI DL RELEASE - EHP

HERRIMAN Karmen

From: s.49
Sent: Friday, 14 February 2014 12:04 PM
To: Morris Sally
Cc: s.49
Subject: s.49 Fencing Invoice
Attachments: Inv100927.pdf

HI Sally,

s.49

I will forward these to you upon receipt.
Many thanks,

s.49

RTI DL RELEASE - EHP

Page 157 redacted for the following reason:
- -
s.49 - Personal Information

RTI DL RELEASE - EHP

HERRIMAN Karmen

From: s.49
Sent: Friday, 14 February 2014 12:09 PM
To: Morris Sally
Cc: s.49
Subject: FW: Email concerning s.49

HI Sally,

s.49

Cheers

s.49

RTI DL RELEASE - EHP

Page 159 redacted for the following reason:
- -
s.49 - Personal Information

RTI DL RELEASE - EHP

Application form

Section 12(a) – Nature Conservation (Administration) Regulation 2006

OFFICIAL USE ONLY

DATE RECEIVED

FILE REF

PROJECT REF

COMPLETE FORM ☐ CORRECT AA ☐

COMPLETE FEE ☐

ADMINISTERING DISTRICT

ENTERED BY [SIGNATURE]

DATE

Damage mitigation permit (culling and dispersal of wildlife)

Important information for applicants

This form is to be used to apply for a damage mitigation permit for the purpose of culling and dispersal of wildlife (**note: a separate application form is required for lethal take of flying-foxes damaging crops**). Information requested will enable your application to be processed as prescribed by the *Nature Conservation Act 1992*. A damage mitigation permit may be granted for a maximum period of twelve months, unless you operate under an approved property management plan (PMP), when it may be granted for a maximum period of three years. If you wish to submit a PMP for approval and receive a damage mitigation permit for up to three years please contact Permit and Licence Management on 1300 130 372 for the appropriate PMP template form to accompany this application. Your application must be assessed and a permit granted by the chief executive before you can proceed with the proposed activity. Your application may take up to 40 business days to process.

Before completing your application please read the information materials included with your application kit. Before lodging this application you should be familiar with the requirements of the Nature Conservation Act available from the Office of the Queensland Parliamentary Counsel website http://www.legislation.qld.gov.au. If you have queries about how to complete this form correctly or need guidance contact the Permit and Licence Management on **1300 130 372**.

RTI DL RELEASE - EHP

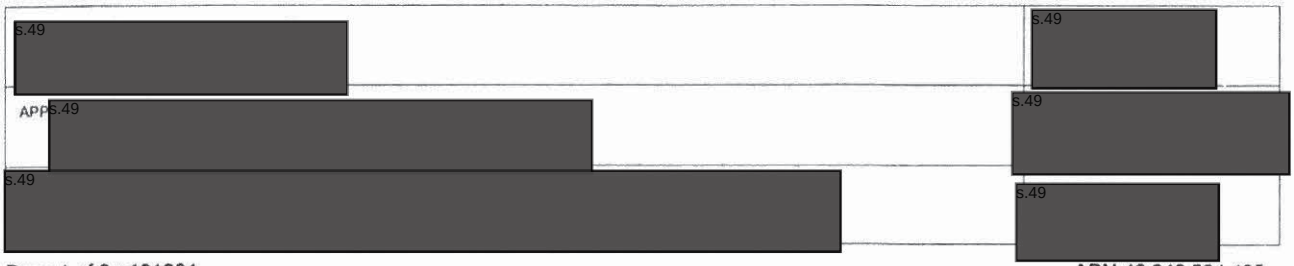
Applicant information

A wildlife authority may only be granted to an individual or corporation (only if the corporation has an office within Queensland). Please tick the appropriate box:

☑ **AN INDIVIDUAL→** **Complete** Section 1 **applicant details — then complete sections 3 to 11**

☐ **A CORPORATION →** **Complete** Section 2 **applicant details — then complete sections 3 to 11.**

1. Applicant details for an individual



ABN 46 640 294 485

TELEPHONE (BUSINESS HOURS)	MOBILE	FACSIMILE

TELEPHONE (AFTER HOURS)	s.49 [redacted]	
POSTAL ADDRESS (WRITE 'AS ABOVE' IF SAME AS RESIDENTIAL ADDRESS)	s.49 [redacted]	s.49 [redacted]

2. Application details for corporations

REGISTERED LEGAL ENTITIY NAME (NOT A BUSINESS TRADING NAME)	
TRADING NAME/S (IF APPLICABLE)	
REGISTERED BUSINESS ADDRESS (NOT A POST OFFICE BOX)	POST CODE
TELEPHONE (BUSINESS HOURS)	FACSIMILE
EMAIL	WEBSITE
POSTAL ADDRESS (WRITE 'AS ABOVE' IF SAME AS RESIDENTIAL ADDRESS)	POST CODE
ABN / ACN / AN, OR TITLE AND SECTION OF LEGISLATION UNDER WHICH CORPORATION HAS LEGAL STATUS	
NAME OF PRINCIPAL OF CORPORATION	
SIGNATURE OF PRINCIPAL OF CORPORATION (or person authorised to sign on their behalf)	DATE

RTI DL RELEASE - EHP

Details of nominated person in charge where the licensed activity is to be undertaken

NOMINATED CONTACT PERSON'S FAMILY NAME	s.49 [redacted]	s.49 [redacted]
NOMINATED CONTACT PERSON'S GIVEN NAME/S	s.49 [redacted]	s.49 [redacted]
	s.49 [redacted]	s.49 [redacted]
TELEPHONE (BUSINESS HOURS)	s.49 [redacted]	FACSIMILE
TELEPHONE (AFTER HOURS)	s.49 [redacted]	
	s.49 [redacted]	s.49 [redacted]

3. Have you previously held this type of permit?

This may include permits in other States.

Yes ☐ No ☑ If yes, state the permit number (if known)

If yes, has the 'return of operations' been submitted? ☐ Yes ☑ No

(A return of operation is due for each 3 month period during the life of the permit)

If no, a permit may not be issued until returns are submitted.

4. Provide the name(s) of the persons(s) operating under this permit

FAMILY NAME s.49 [redacted]	GIVEN NAME s.49 [redacted]
FA [redacted]	GIVEN NAME
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME
FAMILY NAME	GIVEN NAME

RTI DL RELEASE - EHP

5. What is your reason for applying for this permit? (e.g. damage to pastures, grains, crops, threal to human health and well-being etc.)

STATEMENT OF REASONS

HEALTH & WELL BEING. SOIL EROSION.
TICKS ON FAMILY & PETS.
TREE & GRASS DAMAGE.
PROLIFIC WEED GROWTH.
HOLES IN GROUND. SCAT & CARCASES.

6. Outline monetary loss experienced

LAND VALUATION REDUCTION.
VET ONTRY EXPENSES DUE TO PET GETTING TICKS
COST OF ERECTING FENCE AROUND HOUSE.

7. What previous damage mitigation method(s) have you tried (if any) and was this successful?

(You must be able to demonstrate that you have tried a combination of at least two non-lethal methods before a lethal damage mitigation permit application will be considered)

PREVIOUS METHOD/S

BLOOD & BONE & CHILLY AROUND PROPERTY BOUNDARY.
SLASHING & MOWING.
CHASING ON FOOT TRUCK VEHICLE RIDE ON.
CHIP CHASING FENCED HOUSE AREA.

8. Activity location

Where will the activities be conducted? Provide the street address, real property description(s) of the land(s) in which the project is located and local government area. If you require more space, attach a separate sheet.

s.49 [redacted]

LOT

PLAN

s.49 [redacted]

If possible provide a specific location, a property name or an attached map with the location clearly delineated. Also include the map name/details.

SPECIFIC LOCATION/PROPERTY NAME

GEOGRAPHICAL COORDINATES

RTI DL RELEASE - EHP

9. Wildlife details

What wildlife does the application refer to?

(If you require more space, attach a separate sheet of wildlife details)

COMMON NAME	SCIENTIFIC NAME	QUANTITY
AGILE WALLABY	MACROPUS AGILIS.	300

10. What are the approximate start and completion dates of the project?

START DATE	FINISH DATE
ASAP	

11. Weapons Act licence number

If you intend to use a firearm to take wildlife please give your Weapons Act licence number and attach a photocopy of your licence or have your licence sighted and your application witnessed by a Queensland Parks and Wildlife Service officer, a Queensland Police Officer or a Commissioner for Declarations/Justice of the Peace.

Licence details

NAME ON LICENCE
LICENCE NUMBER

Witnessing officer (Not required if a copy of your Weapons Act licence is attached)

SIGNATURE	TITLE
FAMILY NAME	
GIVEN NAME/S	

If you require additional space, attach a separate sheet of Weapons Act licence details.

RTI DL RELEASE - EHP

12. Applicant suitability

The permit may be granted if the applicant is an appropriate person to hold the permit, that is, if the applicant has the ability to carry out activities under the authority in a competent and ethical way.

QUESTIONS		DETAILS
1. During the past 10 years have you ever (in Queensland or elsewhere) been found guilty of any criminal offence or entered a plea of guilty in a Court? (Note: does not include simple traffic offences such as parking, speeding). If yes, provide details of the offence/s.	☐ YES ☑ NO	
2. Have you ever had an equivalent permit from another State, Territory or country that was suspended and/or cancelled? If yes, provide details about the permit, the date it was suspended and/or cancelled and reasons for suspension/cancellation.	☐ YES ☑ NO	

13. Declaration

Note: If you have not told the truth in this application you may be liable for prosecution under the relevant Acts or Regulations.

- I do solemnly and sincerely declare that the information provided 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 on or with this application form may be disclosed publicly in accordance with the *Right to Information Act 2009* and the *Evidence Act 1977*.

s.49 [redacted]	
APPLICA s.49 [redacted]	DATE 10-2-2014.
IF THE APPLICANT IS A CORPORATION, PLEASE INDICATE YOUR POSITION IN THE CORPORATION	

14. Applicant checklist

- ☑ Application form completed, signed and dated
- ☐ Supporting information and accreditation attached (if applicable)

Please return your completed application kit to:

Permit and Licence Management
Department of Environment and Heritage Protection
GPO Box 2454
Brisbane
Queensland 4001

Enquiries: **1300 130 372**
Facsimile: (07) 3330 5875
Email: palm@ehp.qld.gov.au

Code of Practice or guidelines may be obtained from the EHP website http://www.ehp.qld.gov.au or by contacting the EHP Referral Centre on 1300 130 372.

RTI DL RELEASE - EHP

DAMAGE MITIGATION PERMIT ASSESSMENT

DATE: 12/02/2014 **LOCATION:** s.49 [redacted]

TOWN/CITY: s.49 [redacted]

APPLICANT/S s.49 [redacted]

PHONE: s.49 [redacted] **FAX NO:** NONE

COMPANY NAME (If applicable): N/A

PROPERTY INSPECTED s.49 [redacted]

Background on DMP Assessment Request:

s.49 [redacted] has applied for a Damage Mitigation Permit (DMP) to manage high population numbers of Agile Wallaby (*Macropus Agilis*) on his property at s.49 [redacted]

RTI DL RELEASE - EHP

1. **What damage is being experienced?:**

General threat to human health and wellbeing:

- Increase in parasite population (fleas and paralysis ticks) including feeding on family pets
- Large amounts of faecal matter on property
- Aggressive nature - large female Agile Wallaby approached [redacted] s.49 in a threatening manner while he was hanging out the washing.
- Potential for vehicle collisions with wallabies

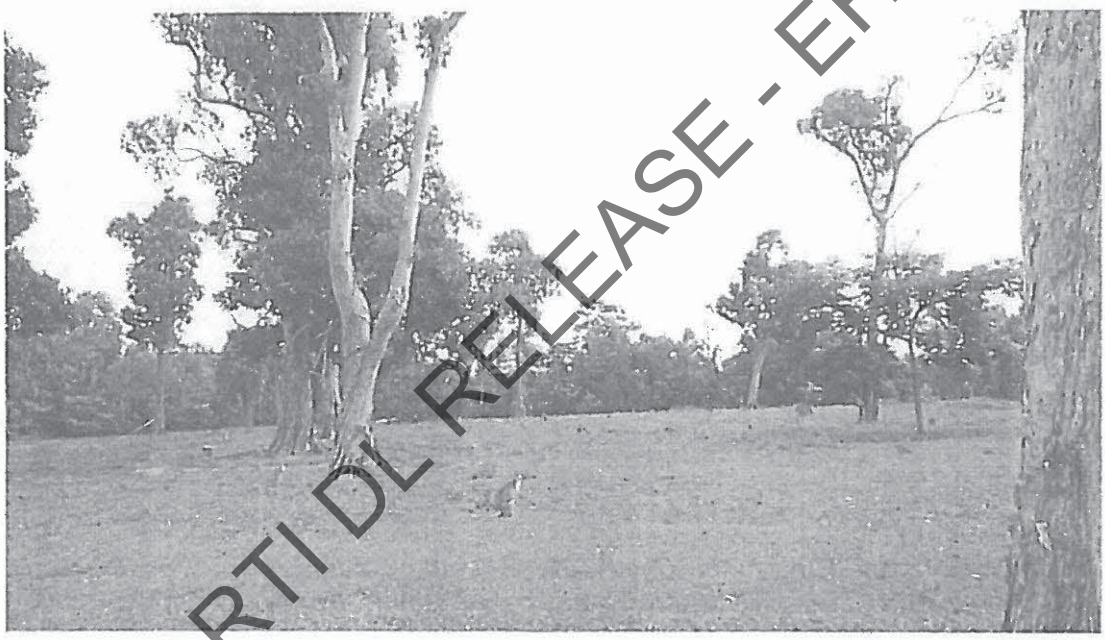
Damage to property, in particular land and pasture degradation:

- tree and grass
- soil erosion
- prolific weed growth
- holes in the ground

RTI DL RELEASE - EHP

5.49

[redacted]



RTI DL RELEASE - EHP

2. Is the damage extensive and throughout the crop?:
There are currently no crops grown on the land however the damage listed above is extensive throughout the property and is ongoing throughout the year.
3.What is the monetary loss suffered by the landholder last season?:
Monetary loss suffered includes; s.49 [redacted]
4. How is this loss determined?: Monetary loss is determined through re-sell value of property and tax invoices supplied for veterinary expenses and fencing.
5.What methods have been used to deter the wildlife from the crops?:
The landholder has used a wide variety of non-lethal measures for the last three years including; - Blood and bone fertiliser and chilli around the property perimeter - Ongoing slashing and mowing - Electric fence - Regular cracking of stock whip - Chase away on foot, vehicle, tractor and mower. - Fenced the perimeter of the house - Spray with garden hose
6.If only lethal methods have been employed explain why no other methods have been used?:
N/A
7. What species of wildlife causes damage to the crop?:
Agile Wallaby (*Macropus agilis*)
8. Has the landholder sought information on non-lethal methods of control?:
Yes. The landholder has not only sought information on non-lethal methods but has employed numerous non-lethal methods on a regular basis for the last three years.
9. Does the landholder intend to utilise non-lethal controls in the future?:
Yes. The landholder stated that non-lethal controls will be used in conjunction with lethal methods approved under the Damage Mitigation Permit.
10. Do the landholder's current management practices influence the wildlife visiting their crops?: N/A
11. Will the landholder advise EHP daily of the numbers of each wildlife being taken?: The requirement to submit a Return of Operations for every three month period, within 10 business days was explained to the Landholder. The Landholder agreed to submit these documents to the departmental Permit and Licencing Unit as per permit conditions.
12.Is this permit being sought in anticipation of potential damage?:
This permit is sought for ongoing damage.
13. Does the landholder consider destruction of wildlife an effective means of control as opposed to dettering or exclusion?:

RTI DL RELEASE - EHP

The Landholder has been conducting non-lethal methods of managing and controlling the Agile Wallaby population on his property for the last three years however this has been ineffective. As a result the Landholder is now applying for a DMP to control the population via lethal means. The Landholder has stated that both non-lethal and lethal methods will continue to utilised under the DMP if granted.

OFFICE USE ONLY: To be completed by assessing officer

Would the number of wildlife requested by the landholder on the DMP application cause some conservation concern in terms of that species ability to survive?:

No the number of Agile Wallabies requested by the Landholder will not cause conservation concerns. The requested number of Agile Wallabies to be taken is 300 over a 12 month period. Agile Wallabies are a listed as a least concern species under Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006.* The Landholder currently has approximately 500 Agile Wallabies on his property (as per field population counts on 3 February 2014 and 14 February 2014) and an unknown number in adjacent nature reserve. There are currently anywhere between 600 and 1200 wallabies currently living in the residential area of South Mission Beach as per population counts conducted on 12 April 2013, 23 April 2013, 23 September 2013, 15 January 2014 and 3 February 2014. This does not include undetermined numbers residing in approximately

s.49 [redacted]

How has this decision been arrived at? (references, communications):

- Site visit and population count on 3 February 2014 confirming damage
- Damage Mitigation Permit assessment/site visit including photographs taken on 12 February 2014
- Agile Wallaby population surveys conducted in the South Mission Beach area over the last year by Department of Environment and Heritage Protection (DEHP) Officers to support the connotation that the permit will not adversely affect the survival of the species in the wild. Survey data can be found at G:\NQWildlife\Wildlife\Mammals\Macropods\South Mission Beach surveys
- Legislation: *Nature Conservation Act 1992* and the *Wildlife Management Regulation and the Administration Regulation 2006*
- Information from DMP application form submitted on 14 February 2014
- Tax invoices supplied and verbal statements made demonstrating significant monetary loss
- Ongoing non-lethal control measures used for the last three years to prevent or minimise damage
- The way of taking the animals will be humane as per the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-Commercial Purposes. Also, a professional shooter with a current weapons licence will operate under the permit and conduct control activities.

Is the method used to take the wildlife inhumane or likely to cause suffering to the animal?

RTI DI RELEASE - EHP

No. The animals will be taken in compliance with the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-Commercial Purposes and by a professional shooter with a current weapons licence - s.49 s.49 [redacted]
Is there evidence that wildlife has been taken prior to this inspection and outside the period of a permit?:
No. There is no evidence to suggest that the Landholder has lethally taken Agile Wallabies outside the period of a permit.
How was this substantiated?:
There have been no reports/complaints or any other evidence on site that the Landholder has been lethally taking Agile Wallabies.
INSPECTION OFFICER: Sally Morris

LOCATION: Townsville	**PHONE:** 4796 7775

DATE INSPECTED: 12/02/2014
APPROVAL RECOMMENDED: Yes.
SIGNATURE OF INSPECTING OFFICER: s.49 - Signature [redacted] 14/02/2014.

RTI DL RELEASE - EHP

QUEENSLAND WEAPONS ACT 1990

FIREARMS LICENCE

s.49 [redacted]

1. Full particulars of conditions on Licence Form 2a.
2. Weapons List on Licence Form 2b.
3. The Licensee is to comply with the safe storage requirements as stipulated in the Weapons Regulation 1996.
4. For any change of address or licence particular, advise Local Police within 14 days.
5. This card remains the property of the Queensland Police Service.
6. If found please return to the nearest Police Station.

FORM 2 VER. 2.06/12

s.49 [redacted]

RTI DL RELEASE - EHP

DAMAGE MITIGATION PERMIT ASSESSMENT

DATE: 12/02/2014 **LOCATION:** s.49 [redacted]

TOWN/CITY: s.49 [redacted]

APPLICANT/S: s.49 [redacted]

PHONE: s.49 [redacted] **FAX NO:** NONE

COMPANY NAME (If applicable): N/A

PROPERTY INSPECTED s.49 [redacted]

Background on DMP Assessment Request:

s.49 [redacted] has applied for a Damage Mitigation Permit (DMP) to manage high population numbers of Agile Wallaby (*Macropus Agilis*) on his property at s.49 [redacted]

RTI DL RELEASE - EHP

1. **What damage is being experienced?:**

General threat to human health and wellbeing:

- Increase in parasite population (fleas and paralysis ticks) including feeding on family pets
- Large amounts of faecal matter on property
- Aggressive nature - large female Agile Wallaby approached s.49 [redacted] in a threatening manner while he was hanging out the washing.
- Potential for vehicle collisions with wallabies

Damage to property, in particular land and pasture degradation:

- tree and grass
- soil erosion
- prolific weed growth
- holes in the ground

RTI DL RELEASE - EHP

s.49

[redacted]

RTI DL RELEASE - EHP

2. Is the damage extensive and throughout the crop?:
There are currently no crops grown on the land however the damage listed above is extensive throughout the property and is ongoing throughout the year.
3.What is the monetary loss suffered by the landholder last season?:
Monetary loss suffered includes: s.49 [redacted]
4. How is this loss determined?: Monetary loss is determined through re-sell value of property and tax invoices supplied for veterinary expenses and fencing.
5.What methods have been used to deter the wildlife from the crops?:
The landholder has used a wide variety of non-lethal measures for the last three years including; - Blood and bone fertiliser and chilli around the property perimeter - Ongoing slashing and mowing - Electric fence - Regular cracking of stock whip - Chase away on foot, vehicle, tractor and mower. - Fenced the perimeter of the house - Spray with garden hose
6.If only lethal methods have been employed explain why no other methods have been used?:
N/A
7. What species of wildlife causes damage to the crop?:
Agile Wallaby (*Macropus agilis*)
8. Has the landholder sought information on non-lethal methods of control?:
Yes. The landholder has not only sought information on non-lethal methods but has employed numerous non-lethal methods on a regular basis for the last three years.
9. Does the landholder intend to utilise non-lethal controls in the future?:
Yes. The landholder stated that non-lethal controls will be used in conjunction with lethal methods approved under the Damage Mitigation Permit.
10. Do the landholder's current management practices influence the wildlife visiting their crops?: N/A
11. Will the landholder advise EHP daily of the numbers of each wildlife being taken?: The requirement to submit a Return of Operations for every three month period, within 10 business days was explained to the Landholder. The Landholder agreed to submit these documents to the departmental Permit and Licencing Unit as per permit conditions.
12.Is this permit being sought in anticipation of potential damage?:
This permit is sought for ongoing damage.
13. Does the landholder consider destruction of wildlife an effective means of control as opposed to dettering or exclusion?:

RTI DL RELEASE - EHP

The Landholder has been conducting non-lethal methods of managing and controlling the Agile Wallaby population on his property for the last three years however this has been ineffective. As a result the Landholder is now applying for a DMP to control the population via lethal means. The Landholder has stated that both non-lethal and lethal methods will continue to utilised under the DMP if granted.

OFFICE USE ONLY: To be completed by assessing officer

Would the number of wildlife requested by the landholder on the DMP application cause some conservation concern in terms of that species ability to survive?:

No the number of Agile Wallabies requested by the Landholder will not cause conservation concerns. The requested number of Agile Wallabies to be taken is 300 over a 12 month period. Agile Wallabies are a listed as a least concern species under Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006.* The Landholder currently has approximately 500 Agile Wallabies on his property (as per field population counts on 3 February 2014 and 14 February 2014) and an unknown number in adjacent nature reserve. There are currently anywhere between 600 and 1200 wallabies currently living in the residential area of South Mission Beach as per population counts conducted on 12 April 2013, 23 April 2013, 23 September 2013, 15 January 2014 and 3 February 2014. This does not include undetermined numbers residing in approximately

s.49 [redacted]

How has this decision been arrived at? (references, communications):

- Site visit and population count on 3 February 2014 confirming damage
- Damage Mitigation Permit assessment/site visit including photographs taken on 12 February 2014
- Agile Wallaby population surveys conducted in the South Mission Beach area over the last year by Department of Environment and Heritage Protection (DEHP) Officers to support the connotation that the permit will not adversely affect the survival of the species in the wild. Survey data can be found at G:\NQWildlife\Wildlife\Mammals\Macropods\South Mission Beach surveys
- Legislation: *Nature Conservation Act 1992* and the *Wildlife Management Regulation and the Administration Regulation 2006*
- Information from DMP application form submitted on 14 February 2014
- Tax invoices supplied and verbal statements made demonstrating significant monetary loss
- Ongoing non-lethal control measures used for the last three years to prevent or minimise damage
- The way of taking the animals will be humane as per the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-Commercial Purposes. Also, a professional shooter with a current weapons licence will operate under the permit and conduct control activities.

Is the method used to take the wildlife inhumane or likely to cause suffering to the animal?

RTI/DE-RELEASE-EHP

No. The animals will be taken in compliance with the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-Commercial Purposes and by a professional shooter with a current weapons licence - s.49 s.49
Is there evidence that wildlife has been taken prior to this inspection and outside the period of a permit?:
No. There is no evidence to suggest that the Landholder has lethally taken Agile Wallabies outside the period of a permit.
How was this substantiated?:
There have been no reports/complaints or any other evidence on site that the Landholder has been lethally taking Agile Wallabies.
INSPECTION OFFICER: Sally Morris

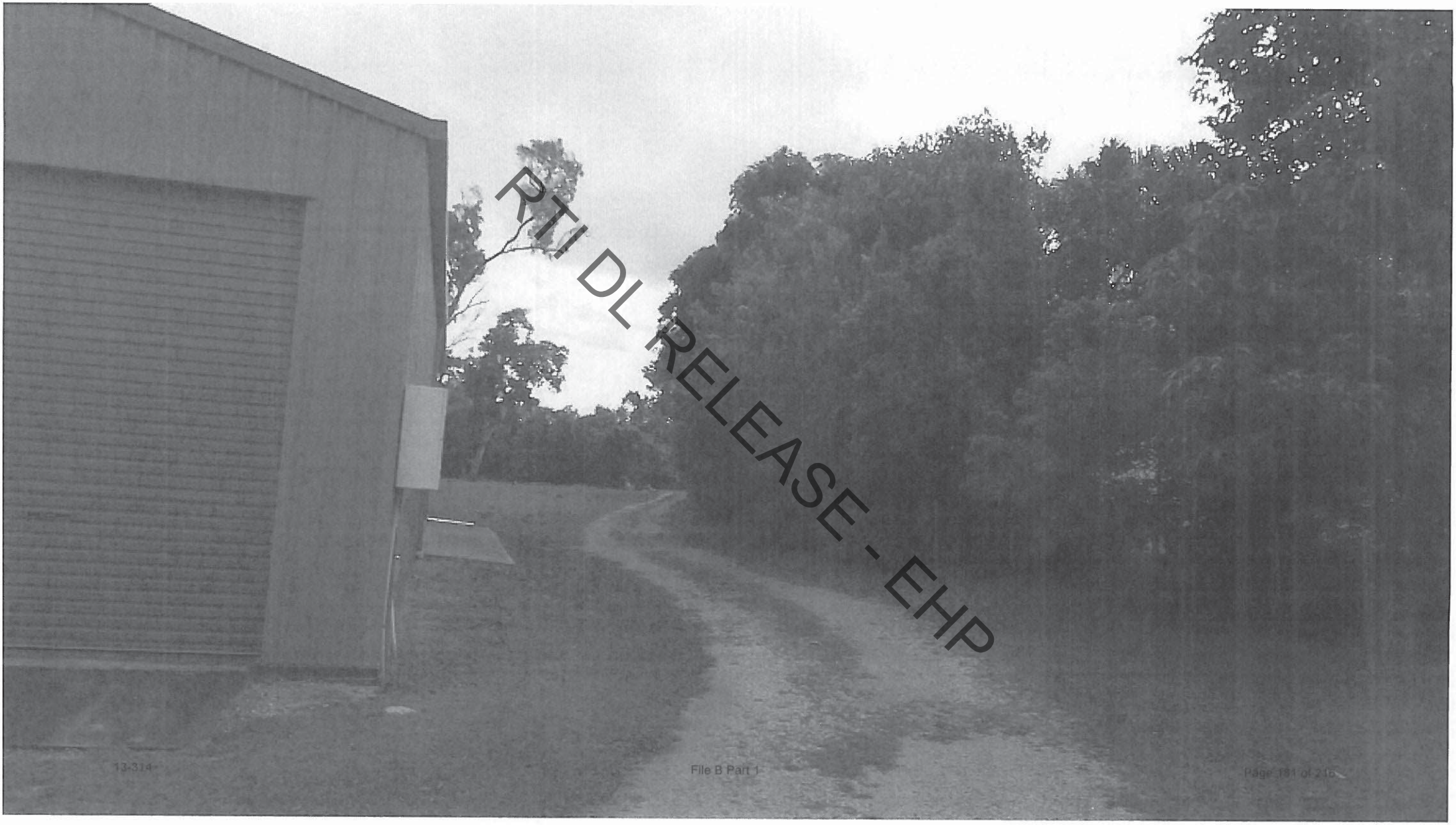
LOCATION: Townsville	**PHONE:** 4796 7775

DATE INSPECTED: 12/02/2014
APPROVAL RECOMMENDED: Yes.
SIGNATURE OF INSPECTING OFFICER:

RTI DL RELEASE - EHP

Pages 179 through 180 redacted for the following reasons:
- -
s.49 - Personal Information

RTI DL RELEASE - EHP



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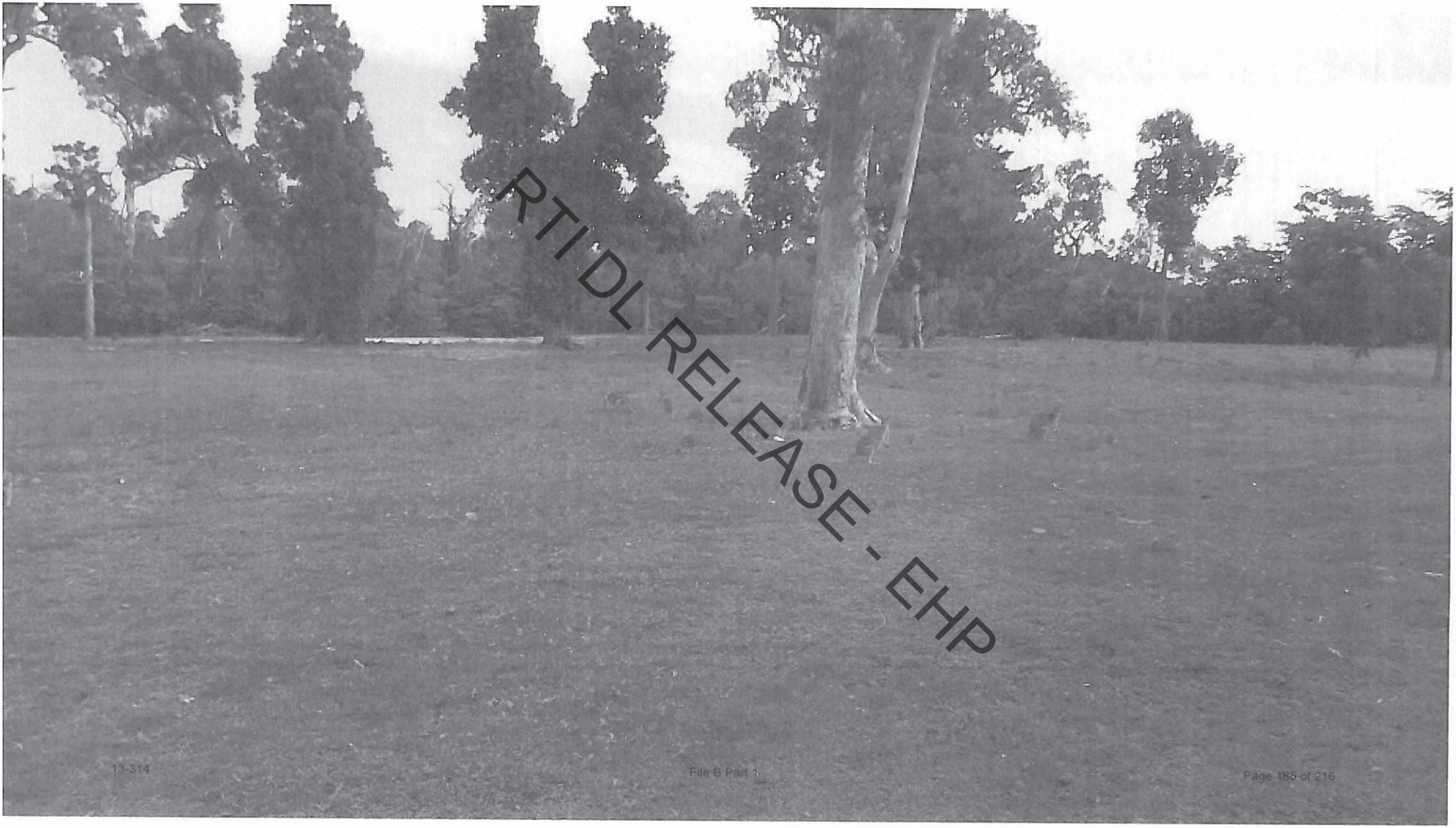
RTI DL RELEASE - EHP

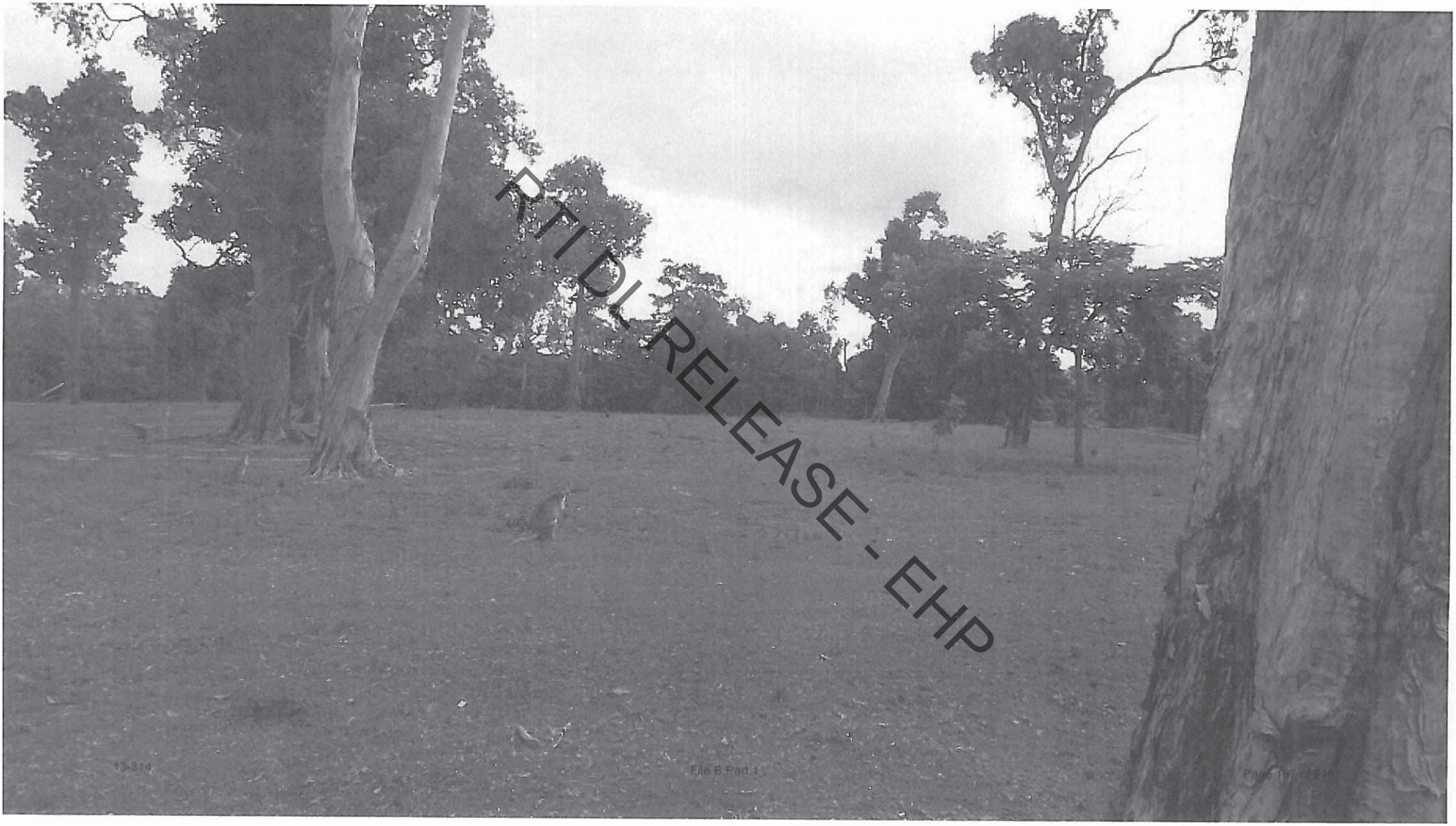
RTI DL RELEASE - EHP

RTI DL RELEASE - EHP

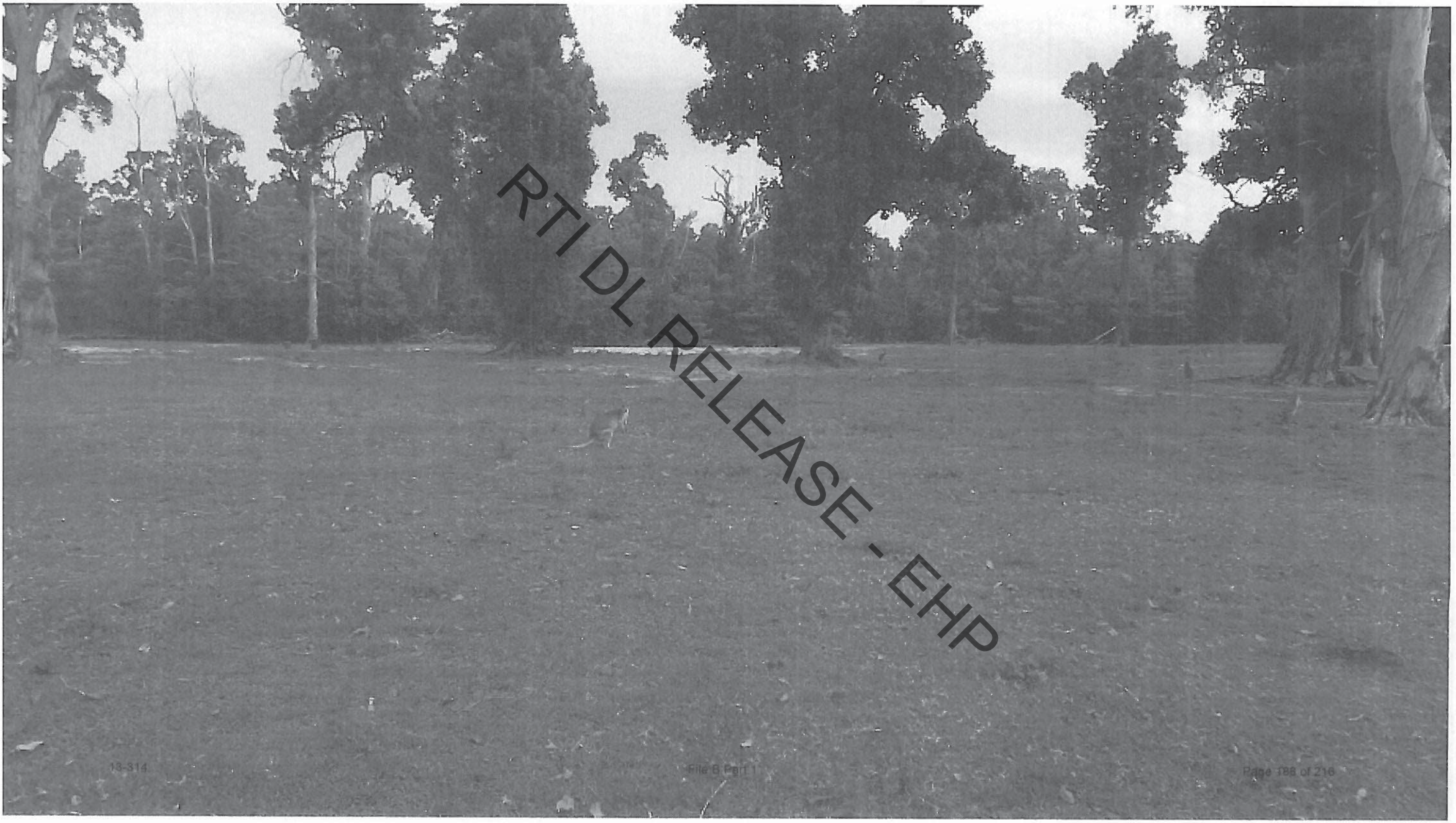


RTI DL RELEASE - EHP

RTI DL RELEASE - EHP



RTI DI RELEASE - EHP



RTI DL RELEASE - EHP

RTI DL RELEASE - EHP

RTI DL RELEASE - EHP

RTI DL RELEASE - EHP

Pages 192 through 196 redacted for the following reasons:
- -
s.49 - Personal Information

RTI DL RELEASE - EHP

Notice of decision - permit[1] application

This notice is issued by the administering authority to advise of a statutory decision on a permit application.

s.49 [redacted]

Our reference: 412835

Dea s.49 [redacted]

Re: Decision made in relation to your application

Your application received on 14-FEB-2014 has been assessed and the decision in regard to your application is specified below:

Permit applied for	Permit Number	Decision
Damage Mitigation Permit under Nature Conservation (Administration) Regulation 2006	WIMP14160814	Granted - level 2

For the permit applied for that has been granted, the conditions of approval are attached. Where applicable, a Statement of Reasons is provided in relation to the decision. Please note that for the approval, this Notice of Decision and the relevant attachments constitute the permit documentation. Please retain this approval documentation for your records.

Included with this notice is advice on review and appeal processes that may be available to you. Should you seek a review or appeal, you are advised to seek independent advice before taking such action.

If you require more information, please contact Sally Morris on the telephone number listed below.

s.49 [redacted]

s.49 [redacted]

Michael
Departm vironment and Heritage Protection
Date 14/02/14.

Enquiries:
Wildlife - Savanna - QPW
PO Box 375
GARBUTT EAST QLD 4814
Phone: (07) 4796 7775

Attachment - Permit/Statement of Reasons

RTI DL RELEASE - EHP

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Permit[1]

This permit is issued under the following legislation:

S12(A) Nature Conservation (Administration) Regulation 2006

Damage Mitigation Permit

RTI DL RELEASE - EHP

Permit number: WIMP14160814

Valid from: 17-FEB-2014 **to** 16-FEB-2015

Parties to the Permit

Role	Name	Address
Principal Holder	s.49 [redacted]	s.49 [redacted]

Permitted Location Activity Details

Location (s)	Activity (s)
s.49 [redacted]	Culling Wildlife to prevent damage or loss

Permit Details

Species Details

Location	Activity
s.49 [redacted]	Culling Wildlife to prevent damage or loss

Common Name	*Scientific Name*	*Category*	*Quantity*
agile wallaby	Macropus agilis	Live	300 Animal/s

1 Permit includes licences, approvals, permits, authorisations, certificates, sanctions or equivalent/similar as required by legislation.

Department of Environment and Heritage Protection
www.ehp.qld.gov.au ABN 46 640 294 485

Queensland Government

Conditions of Approval

General Permit Conditions

Agency Interest: General

PG1 The following persons are authorised to operate under the permit:
s.49 [redacted]

PG2 1. Neighbours, Police and relevant Local Authority should be notified prior to commencement of operations
2. Taking can occur only within the boundaries of the Landholder's property
3. Carcasses to be disposed of by incineration or burial

PG3 A Return of Operations Form must be sent to EHP within 10 business days after each three month period, and you must keep a copy for your records. If the Return of Operations on the approved form is not submitted a penalty may be given. The approved form should be downloaded via the following EHP website link: http://www.ehp.qld.gov.au/licences-permits/plans-animals/return_of_operations.html

Agency Interest: Biodiversity

PB1 Accurate records of animals shot under this permit must be recorded in the return form provided. These must be made at the end of each day/night that the animals are taken.

PB2 Non-lethal detterent methods are to be used in conjunction with this permit

Conditions for: Culling Wildlife to prevent damage or loss

Agency Interest: Biodiversity

A1B1 Macropods
1. Macropods must be taken by centrefire rifle in a way specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.

s.49 - Signature [redacted]

Michael Jo[redacted]
Delegate
Department of Environment and Heritage Protection 14/02/14.

RTI DE-RELEASE - EHP

Cassowary Coast Regional Council

TAX INVOICE A.B.N. 20 889 787 211

Northern Region
PO Box 887, INNISFAIL, Q 4860
Phone: 07 4030 2222, Fax: 07 4061 4258
innisfail@cassowarycoast.qld.gov.au

Southern Region
PO Box 401, TULLY, Q 4854
Phone: 07 4043 9100, Fax: 07 4068 1772
tully@cassowarycoast.qld.gov.au

HALF YEARLY RATE NOTICE
FOR THE PERIOD

s.49

[redacted]

RTI DL RELEASE - EHP

Return of operations

Section 188 – *Nature Conservation (Wildlife Management) Regulation 2006*

Damage mitigation permit (culling and dispersal)

Nature Conservation Act 1992

Nature Conservation (Administration) Regulation 2006

Nature Conservation (Wildlife Management) Regulation 2006

A return must be submitted every three months from the permit start date, no later than 10 business days after each three month period.

A return must also be submitted within 10 business days after the permit expiry date.

A separate return must be submitted for each return period.

A nil return must be submitted even if there has not been any wildlife taken during the period.

You must keep a copy of the completed return at the premises stated in the permit.

RTI DL RELEASE - EHP

Permit holder's name:		***Permit holder's residential address:***	
Permit number:	**WIMP**		
Date permit issued:			
Expiry date of permit:			
Name of person in charge *(if applicable):*			

Return period *(tick one return period for this return)* ☐ First 3 month period ☐ second 3 month period ☐ following expiry of authority

Common or scientific name (as listed in the *Nature Conservation (Wildlife Management) Regulation 2006*)	Date of take	Location from where wildlife are taken	No. taken	Time of take		Type of crop protected	Other comments
				Start	Finish		

Common or scientific name (as listed in the *Nature Conservation (Wildlife Management) Regulation 2006*)	Date of take	Location from where wildlife are taken	No. taken	Time of take		Type of crop protected	Other comments
				Start	Finish		

RTI DL RELEASE - EHP

Please return to: Permit and Licence Management
Department of Environment and Heritage Protection
GPO Box 2454
BRISBANE QLD 4001

Or email to palm@ehp.qld.gov.au

.....
Signature of permit holder: Date
(If mailing return only)

STATEMENT OF REASONS

Statement of reasons provided pursuant to section 33 of the Judicial Review Act 1991.

Applicant's name	s.49 [redacted]
Decision maker	Michael Joyce, the delegate of the chief executive in accordance with the delegation given under section 141 of the *Nature Conservation Act 1992* (**the Act**)
Decision	Granted
Date of decision	14 February 2014

Introduction

On 14 February 2014 s.49 [redacted] lodged an application for a Damage Mitigation Permit (culling and dispersal).

On 14 February 2014 after consideration of the material before me, I, Michael Joyce under section 185 and 186 granted and signed a letter to s.49 [redacted] confirming my decision.

Relevant legislation

The *Nature Conservation (Wildlife Management) Regulation 2006* **(the Wildlife Management Regulation)** chapter 3, part 4, division 2 governs the grant of damage mitigation permits (DMP) for animals as follows:

Section 182 provides that I may grant a damage mitigation permit for a least concern animal.

Section 184 provides that I may grant a DMP only for one or both of the following purposes:
(a) to prevent damage or loss caused, or likely to be caused, by a protected animal;
(b) to prevent or minimise a threat, or potential treat, to human health and wellbeing caused by a protected animal.

Section 185 provides that a DMP may be granted for damage or loss caused by a protected animal only if I am satisfied–

(a) the animal is causing, or may cause, damage; and
(b) the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
(c) if the damage is no prevented or controlled-
    (i) individuals may suffer significant economic loss; or
    (ii) the ecological sustainability of nature is likely to be harmed;' and
(d) action under the permit will not adversely affect the survival of the animal in the wild; and
(e) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.

Section 186 provides that a DMP may be granted for a threat or potential threat to human health and wellbeing caused by a protected animal only if I am satisfied-
(a) there is, or may be, a threat to a person's health and wellbeing resulting form

PTI DL RELEASE - EHP

harm caused by the animal to the person; and
(b) action under the permit will not detrimentally affect the survival of the animal in the wild; and
(c) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.
(d) [s186(d) if DMP is for a reptile]

Section 25 of the *Nature Conservation (Administration) Regulation 2006* **(the Administration Regulation)** provides that in considering an application I must have regard to each of the following-
(a) The impact the activities that may be carried out under the DMP may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
(b) The effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
(c) Any contribution the applicant proposes to make to the conservation of nature;
(d) Any relevant Australian or international code, instrument, protocol or standard or nay relevant intergovernmental agreement;
(e) The precautionary principle;
(f) Public health and safety
(g) The public interest
(h) Whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation;
(i) Any recovery plan for wildlife to which the authority applies.

Pursuant to section 25(2) of the Administration Regulation I may have regard to anything else I consider appropriate to achieve the object of the Act.

Material on which the findings of fact were made

In arriving at my decision I had before me the following material for consideration:

- *Nature Conservation Act 1992* (The Act), the *Nature Conservation (Wildlife Management) Regulation 2006* and the *Nature Conservation (Administration) Regulation 2006.*
- Damage Mitigation Permit Application submitted on 14 February 2014
- Damage Mitigation Permit Application Assessment and associated recommendations conducted by Sally Morris dated 12/02/2014
- Photographic evidence taken date 12/02/2013 showing large Agile Wallaby population on s.49 [redacted] property and associated damage.
- Communication from Wildlife Ranger Sally Morris to delegate Michael Joyce
    - Documented previous site assessments and Agile Wallaby population surveys in the South Mission Beach area on 12 April 2013, 23 April 2013, 23 September 2013, 15 January 2014 and 3 February 2014.
    - Site visit and Agile Wallaby population count on s.49 [redacted] property on 3 February 2014
- Communication from s.49 [redacted] supplying tax

RTI DL RELEASE - EHP

invoices demonstrating economic loss

Findings of fact

I assessed the application against the requirements of the Nature Conservation legislation and made the following findings of fact: Conditions are included in the findings of fact.

Legislative requirement	Finding
Section 182 of the Wildlife Management Regulation	Agile Wallaby (*Macropus agilis*) is a species of least concern by virtue of Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*
Section 185(1)(a) of the Wildlife Management Regulation	I am satisfied that the animal is causing, or may cause damage in the form of land and pasture damage and degradation including: - Trees and grass - Soil erosion - Prolific weed growth - Holes in the ground Recommended Conditions to the Permit are Non-lethal methods to be used in conjunction with lethal methods.
Section 185(1)(b)	I am satisfied the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevent or minimised the damage because the animals are habituated to humans and non-lethal control methods. The Landholder has used a wide variety of non-lethal methods over the last three years including; - Blood and bone fertiliser and chilli around the property perimeter - Ongoing slashing and mowing - Electric fence - Regular cracking of stock whip - Chase away on foot, vehicle, tractor, and mower. - Fenced the perimeter of the house - Spray with garden hose Recommended Conditions to the Permit are non-lethal methods to be used in conjunction with lethal methods
Section 185(1)(c)	I am satisfied that if the damage is not prevented or controlled individuals may suffer significant economic loss. Monetary loss suffered includes: s.49 [redacted]

RTI DL RELEASE - EHP

	s.49 [redacted]
Section 185(1)(d)	I am satisfied that action under the permit will not adversely affect the survival of the animal in the wild. The requested number of Agile Wallabies to be taken is 300 over a 12 month period. Agile Wallabies are a listed as a least concern species under Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*. The Landholder currently has approximately 500 Agile Wallabies on his property (as per field population counts on 3 February 2014 and 14 February 2014) and an unknown number in adjacent nature reserve.
Section 185(1)(e)	I am satisfied that the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal because: (1) The shooting will be conducted by a licensed firearm holder s.49 [redacted] (2) Any action to be taken will be in accordance with the national Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes especially for dealing with females and their young as conditioned on the permit. A hard copy of the document was been supplied to s.49 [redacted] during site visit on 12 February 2014. (3) Accurate records of animals shot under this permit must be recorded in the return form provided and the return of operations form to be sent to EHP within 10 business days after each 3 month period. A hard copy of the document was been supplied to Kevin Edwards during site visit on 12 February 2014. Recommended Conditions to the Permit are: Accurate records of animals shot under this permit must be recorded in the return form provided. These must be made at the end of each day/night that the animals are taken. Macropods must be taken in a humane way as specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.
Section 186(a)	I am satisfied that there is, or may be, a threat to a person's health and wellbeing resulting from harm caused by the animal to the person because of the following reasons; - Increase in parasite populations (fleas and paralysis ticks) including feeding on family pets. - Large amounts of faecal matter on the property - Aggressive nature – large female Agile Wallaby approache s.49 [redacted] in a threatening

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	manner while hanging he was out the washing. - Potential for vehicle collisions with wallabies
Section 186(b)	I am satisfied that action under the permit will not detrimentally affect the survival of the animal in the wild because the requested number of Agile Wallabies to be taken is 300 over a 12 month period. Agile Wallabies are a listed as a least concern species under Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006.* The Landholder currently has approximately 500 Agile Wallabies on his property (as per field population counts on 3 February 2014 and 14 February 2014) and an unknown number in adjacent nature reserve.
Section 186(c)	I am satisfied the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal because: (1) The shooting will be conducted by a licensed firearm holde[s.49 redacted] (2) Any action to be taken will be in accordance with the national Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes especially for dealing with females and their young as conditioned on the permit. A hard copy of the document was been supplied to [s.49 redacted] during site visit on 12 February 2014. (3) Accurate records of animals shot under this permit must be recorded in the return form provided and the return of operations form to be sent to EHP within 10 business days after each 3 month period. A hard copy of the document was been supplied to [s.49 redacted] during site visit on 12 February 2014. Recommended Conditions to the Permit are: Accurate records of animals shot under this permit must be recorded in the return form provided. These must be made at the end of each day/night that the animals are taken. Macropods must be taken in a humane way as specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.
Section 186(d)	N/A

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I have considered matters under Section 25 (1)(a-h) and (2) of the *Nature Conservation (Administration) Regulation 2006*

As a result I have made the following conditions applicable to this permit in regard to public health, safety and interest.

- For the applicant to notify neighbours, police and the relevant authorities prior to commencement of operations.
- Taking can occur only within the boundaries of the landholders property.
- Carcasses to be disposed of by incineration or burial.

I also note that there is no evidence of s.49 having taken any illegal actions.

Reasons for making the decision

I was satisfied of all the matters set out in section 185 and 186 of the *Nature Conservation (Wildlife Management Regulation) 2006.* I have been met and accordingly I was able to grant a DMP. I decided to grant a DMP because:

- Severe economic loss due to macropod damage
- Threat to a person's health and wellbeing
- Take will not affect conservation of the species
- The take of the animal is humane
- A reasonable attempt has been made to move the macropods on by non-lethal methods. This process will continue to occur with lethal take as the last option.

Michael Joyce,
Delegate
Department of Environment & Heritage Protection

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STATEMENT OF REASONS

Statement of reasons provided pursuant to section 33 of the Judicial Review Act 1991.

Applicant's name	s.49 [redacted]
Decision maker	Michael Joyce, the delegate of the chief executive in accordance with the delegation given under section 141 of the *Nature Conservation Act 1992* **(the Act)**
Decision	Granted
Date of decision	14 February 2014

Introduction

On 14 February 2014 s.49 [redacted] lodged an application for a Damage Mitigation Permit (culling and dispersal).

On 14 February 2014 after consideration of the material before me, I Michael Joyce under section 185 and 186 granted and signed a letter to s.49 [redacted] confirming my decision.

Relevant legislation

The *Nature Conservation (Wildlife Management) Regulation 2006* **(the Wildlife Management Regulation)** chapter 3, part 4, division 2 governs the grant of damage mitigation permits (DMP) for animals as follows.

Section 182 provides that I may grant a damage mitigation permit for a least concern animal.

Section 184 provides that I may grant a DMP only for one or both of the following purposes:
(a) to prevent damage or loss caused, or likely to be caused, by a protected animal;
(b) to prevent or minimise a threat, or potential treat, to human health and wellbeing caused by a protected animal.

Section 185 provides that a DMP may be granted for damage or loss caused by a protected animal only if I am satisfied–

(a) the animal is causing, or may cause, damage; and
(b) the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevented or minimised the damage; and
(c) if the damage is no prevented or controlled-
    (i) individuals may suffer significant economic loss; or
    (ii) the ecological sustainability of nature is likely to be harmed;' and
(d) action under the permit will not adversely affect the survival of the animal in the wild; and
(e) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.

Section 186 provides that a DMP may be granted for a threat or potential threat to human health and wellbeing caused by a protected animal only if I am satisfied-
(a) there is, or may be, a threat to a person's health and wellbeing resulting form

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harm caused by the animal to the person; and
(b) action under the permit will not detrimentally affect the survival of the animal in the wild; and
(c) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal.
(d) [s186(d) if DMP is for a reptile]

Section 25 of the *Nature Conservation (Administration) Regulation 2006* **(the Administration Regulation)** provides that in considering an application I must have regard to each of the following-
(a) The impact the activities that may be carried out under the DMP may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
(b) The effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
(c) Any contribution the applicant proposes to make to the conservation of nature;
(d) Any relevant Australian or international code, instrument, protocol or standard or nay relevant intergovernmental agreement;
(e) The precautionary principle;
(f) Public health and safety
(g) The public interest
(h) Whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation;
(i) Any recovery plan for wildlife to which the authority applies.

Pursuant to section 25(2) of the Administration Regulation I may have regard to anything else I consider appropriate to achieve the object of the Act.

Material on which the findings of fact were made

In arriving at my decision I had before me the following material for consideration:

- *Nature Conservation Act 1992* (The Act), the *Nature Conservation (Wildlife Management) Regulation 2006* and the *Nature Conservation (Administration) Regulation 2006.*
- Damage Mitigation Permit Application submitted on 14 February 2014
- Damage Mitigation Permit Application Assessment and associated recommendations conducted by Sally Morris dated 12/02/2014
- Photographic evidence taken date 12/02/2013 showing large Agile Wallaby population on s.49 [redacted] property and associated damage.
- Communication from Wildlife Ranger Sally Morris to delegate Michael Joyce
    - Documented previous site assessments and Agile Wallaby population surveys in the South Mission Beach area on 12 April 2013, 23 April 2013, 23 September 2013, 15 January 2014 and 3 February 2014.
    - Site visit and Agile Wallaby population count on s.49 [redacted] property on 3 February 2014
- Communication from s.49 [redacted] supplying tax

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invoices demonstrating economic loss

Findings of fact

I assessed the application against the requirements of the Nature Conservation legislation and made the following findings of fact: Conditions are included in the findings of fact.

Legislative requirement	Finding
Section 182 of the Wildlife Management Regulation	Agile Wallaby (*Macropus agilis*) is a species of least concern by virtue of Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*
Section 185(1)(a) of the Wildlife Management Regulation	I am satisfied that the animal is causing, or may cause damage in the form of land and pasture damage and degradation including: - Trees and grass - Soil erosion - Prolific weed growth - Holes in the ground Recommended Conditions to the Permit are Non-lethal methods to be used in conjunction with lethal methods.
Section 185(1)(b)	I am satisfied the landholder of the land on which the animal is causing, or may cause, damage has made a reasonable attempt to prevent or minimise the damage and the action taken has not prevent or minimised the damage because the animals are habituated to humans and non-lethal control methods. The Landholder has used a wide variety of non-lethal methods over the last three years including; - Blood and bone fertiliser and chilli around the property perimeter - Ongoing slashing and mowing - Electric fence - Regular cracking of stock whip - Chase away on foot, vehicle, tractor, and mower. - Fenced the perimeter of the house - Spray with garden hose Recommended Conditions to the Permit are non-lethal methods to be used in conjunction with lethal methods
Section 185(1)(c)	I am satisfied that if the damage is not prevented or controlled individuals may suffer significant economic loss. Monetary loss suffered includes: s.49 [redacted]

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	s.49 [redacted]
Section 185(1)(d)	I am satisfied that action under the permit will not adversely affect the survival of the animal in the wild. The requested number of Agile Wallabies to be taken is 300 over a 12 month period. Agile Wallabies are a listed as a least concern species under Schedule 6 of the *Nature Conservation (Wildlife) Regulation 2006*. The Landholder currently has approximately 500 Agile Wallabies on his property (as per field population counts on 3 February 2014 and 14 February 2014) and an unknown number in adjacent nature reserve.
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	manner while hanging he was out the washing. - Potential for vehicle collisions with wallabies
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Section 186(c)	I am satisfied the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal because: (1) The shooting will be conducted by a licensed firearm holder s.49 [redacted] (2) Any action to be taken will be in accordance with the national Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes especially for dealing with females and their young as conditioned on the permit. A hard copy of the document was been supplied to s.49 [redacted] during site visit on 12 February 2014. (3) Accurate records of animals shot under this permit must be recorded in the return form provided and the return of operations form to be sent to EHP within 10 business days after each 3 month period. A hard copy of the document was been supplied to s.49 [redacted] during site visit on 12 February 2014. Recommended Conditions to the Permit are: Accurate records of animals shot under this permit must be recorded in the return form provided. These must be made at the end of each day/night that the animals are taken. Macropods must be taken in a humane way as specified in the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes, approved by the Natural Resource Management Ministerial Council.
Section 186(d)	N/A

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I have considered matters under Section 25 (1)(a-h) and (2) of the *Nature Conservation (Administration) Regulation 2006*

As a result I have made the following conditions applicable to this permit in regard to public health, safety and interest.

- For the applicant to notify neighbours, police and the relevant authorities prior to commencement of operations.
- Taking can occur only within the boundaries of the landholders property.
- Carcasses to be disposed of by incineration or burial.

I also note that there is no evidence of s.49 [redacted] having taken any illegal actions.

Reasons for making the decision

I was satisfied of all the matters set out in section 185 and 186 of the *Nature Conservation (Wildlife Management Regulation) 2006.* I have been met and accordingly I was able to grant a DMP. I decided to grant a DMP because:

- Severe economic loss due to macropod damage
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- Take will not affect conservation of the species
- The take of the animal is humane
- A reasonable attempt has been made to move the macropods on by non-lethal methods. This process will continue to occur with lethal take as the last

s.49 - Signature [redacted]

14/02/2014

[redacted]yce,

[redacted]t of Environment & Heritage Protection

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From: Morris Sally [Sally.Morris@ehp.qld.gov.au]
Sent: Friday, 14 February 2014 12:45 PM
To: Joyce Mike
CC: Frisby Tony
Subject: MEMO - Agile wallaby population count 3 Feb 2014
Attachments: Agile Wallaby population count 03022014.docx

HI Mike

Please find attached MEMO – Agile Wallaby population count conducted by Tony Frisby and myself on Monday 3rd of February 2014 at South Mission Beach.

Thank you

Sally Morris
Wildlife Ranger, Wildlife Management
Conservation and Sustainability Services
Phone: (07) 4796 7775 **Mobile:** s.49 [redacted]
Email: sally.morris@ehp.qld.gov.au
www.ehp.qld.gov.au

Department of Environment and Heritage Protection
PO Box 375
Garbutt East LPO
QLD 4814

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Memorandum

Queensland Government

Department of
Environment and Heritage Protection

Enquiries: Sally Morris
Telephone: 4796 7775
Your reference
Our reference

14 February 2014

To: Michael Joyce, Operations Manager Northern, Townsville.

From: **Sally Morris, Wildlife Ranger, Townsville**

Subject: Agile Wallaby population count in South Mission – 3 February 2014

Background

A count of the Agile Wallaby population was conducted on Monday 3rd February 2014 between 11:30 and 13:00 in the residential area of South Mission Beach by DEHP Wildlife Rangers Sally Morris and Senior Ranger Tony Frisby.

The weather at the time of survey was approximately 26 degrees Celsius with low to moderate SE/E winds and 100% cloud cover. The Agile Wallaby population appeared to be in good condition, with a high number of juvenile wallabies present. Grass was plentiful and weeds were prolific in some areas due to recent rains.

A total of approximately 950 Agile Wallabies were counted. This included a residential block owned by s.49 [redacted] where approximately 500 Agile Wallabies were counted. It appeared that the wallabies were using this location as a safe haven presumably because it backs onto a 10.5 hectare nature refuge.

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Sally Morris
Ranger
Wildlife Branch
Northern Region