

Damage mitigation permit (lethal control) exemption for strategic airports

Nature Conservation (Animals) Regulation 2020

In August 2020 the Nature Conservation (Animals) Regulation 2020 came into effect and introduced new permitting and reporting requirements regarding the lethal control of birds at strategic airports in Queensland. (Further information about strategic airports can be accessed from the State Planning Policy--State Interest Guideline for Strategic Airport and Aviation Facilities (<https://dilgpprd.blob.core.windows.net/general/spp-strategic-airports-and-aviation-facilities-july-2017.pdf>). A list of strategic airports has been provided at the end of this advice. Other airports will still need to obtain a Damage Mitigation Permit to take (kill or relocate) native wildlife.

Exemptions

Under the Animals Regulation, strategic airports are exempt from requiring a Damage Mitigation Permit to lethally control native animals (including the destruction of bird eggs), or to capture and relocate native animals. To receive this exemption, strategic airports must meet the criteria identified in section 42 of the Animals Regulation (i.e. the animal poses a threat to property and human health, and non-lethal measures have been attempted and have failed). This exemption removes the recurrent administrative requirement of obtaining a permit for the control of problem animals (mostly birds)--an ongoing activity that is fundamental to the safe and effective operation of an airport.

Importantly it is the responsibility of the airport operator (or their agents) to ensure that take only occurs where the taking of the animal will not adversely affect the survival of the animal in the wild, and by using methods that are humane.

Section 42 of the Animals Regulation states:

42 Taking animals

(1) *This section applies in relation to a protected animal if—*

(a) *either or both of the following circumstances apply—*

(i) *the animal is causing, or may cause, damage at an airport;*

(ii) *the presence of the animal at an airport is, or may be, a threat to a person's health or wellbeing; and*

(b) *the owner of the airport has made a reasonable attempt to prevent or minimise the damage or threat and the action taken has not prevented or minimised the damage or threat.*

Examples of reasonable attempts to prevent or minimise damage or threats—

- installing a fence or other enclosure to prevent an animal from accessing an airport*
- using an audio or visual device or other thing to deter an animal from accessing an airport*

(2) *The owner of the airport, or a relevant person for the owner, may—*

(a) *take the animal at the airport if—*

(i) *the taking of the animal will not adversely affect the survival of the animal in the wild; and*

(ii) *the proposed way of taking the animal is humane; and*

(b) *remove or otherwise deal with an animal breeding place used by the animal.*

(3) *Also, the owner or relevant person may—*

(a) *keep an animal taken under subsection (2)(a) for releasing the animal under paragraph (b); and*

(b) *release the animal into a prescribed natural habitat for the animal.*

Record keeping

The exemption does not alter the legal requirement for keeping records of the animals taken. Record keeping can either continue through the use of the record books provided by the Department of Environment and Science or an airport operator can apply to have their own record keeping system approved. For further information on how to have a record keeping system approved contact wildlife.management@des.qld.gov.au

The record keeping requirements for airports are stated in section 43 of the Animals Regulation (see below). The regulatory framework for record keeping is fully described in [Chapter 8](#) of the Animals Regulation.

43 Record keeping

(1) The owner of an airport must, unless the owner has a reasonable excuse, keep a record for an animal taken under section 42(2).

Note— For the requirements for records, see chapter 8.

(2) The owner complies with subsection (1) if a relevant person, or an approved person, for the owner keeps the record for the owner.

(3) This section is subject to a provision of a conservation plan about the keeping of a record by the owner of an airport for an animal to which the plan relates.

Strategic airports in Queensland

Strategic airport	Local government area	Other local government areas impacted
Archerfield	Brisbane City Council	Ipswich City Council, Logan City Council
Army Aviation Centre Oakey	Toowoomba Regional Council	
Brisbane	Brisbane City Council	Redland City Council, Moreton Bay Regional Council
Brisbane West Wellcamp Airport	Toowoomba Regional Council	
Bundaberg	Bundaberg Regional Council	
Cairns	Cairns Regional Council	Mareeba Shire Council, Yarrabah Aboriginal Shire Council
Emerald	Central Highlands Regional Council	
Gladstone	Gladstone Regional Council	
Gold Coast/Coolangatta	Gold Coast City Council	
Hamilton Island	Whitsunday Regional Council	Mackay Regional Council
Hervey Bay	Fraser Coast Regional Council	
Horn Island	Torres Shire Council	
Longreach	Longreach Regional Council	
Mackay	Mackay Regional Council	
Mareeba	Mareeba Shire Council	Tablelands Regional Council

Damage Mitigation Permit exemption for airports

Moranbah	Isaac Regional Council	
Mount Isa	Mount Isa City Council	
Northern Peninsula	Torres Shire Council	Northern Peninsula Area Regional Council, Cook Shire Council
RAAF Base Amberley	Ipswich City Council	Scenic Rim Regional Council, Somerset Regional Council, Brisbane City Council
RAAF Base Scherger	Cook Shire Council	Arakun Shire Council, Napranum Aboriginal Shire Council
Rockhampton	Rockhampton Regional Council	Livingstone Shire Council
Roma	Maranoa Regional Council	
Sunshine Coast	Sunshine Coast Regional Council	Noosa Shire Council
Townsville Airport/ RAAF Base Townsville	Townsville City Council	
Weipa	Weipa Town Authority	Cook Shire Council Arakun Shire Council, Napranum Aboriginal Shire Council
Whitsunday Coast Airport–Proserpine	Whitsunday Regional Council	Mackay Regional Council