



Australian Government
Great Barrier Reef
Marine Park Authority

Policy on Managing Activities that include the Direct Take of a Protected Species from the Great Barrier Reef Marine Park

10 June 2005

our great barrier reef
let's keep it great



**POLICY ON MANAGING ACTIVITIES THAT
INCLUDE THE DIRECT TAKE OF A PROTECTED SPECIES
FROM THE GREAT BARRIER REEF MARINE PARK**

10 June 2005

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POLICY

Summary: To provide a framework for the consistent and effective management of activities that include the direct take of a Protected Species from the Great Barrier Reef Marine Park.

DISCLAIMERS

- *This Policy should be read in conjunction with, and subject to, the **Great Barrier Reef Marine Park Act 1975** and to the extent relevant, all instruments made thereunder, for example, the **Great Barrier Reef Marine Park Regulations 1983** and the **Policy on Managing Scientific Research in the Great Barrier Reef Marine Park**.*
- *Nothing in this policy and associated guidelines is intended to extinguish any native title rights and interests, and in particular, nothing in this policy and associated guidelines is intended to affect the operation of section 211 of the **Native Title Act 1993**.*
- *For the purposes of this policy the terms ‘taking’ and ‘take’ are interchangeable with both retaining the definition of ‘taking’ in the **Great Barrier Reef Marine Park Zoning Plan 2003**.*
- *This policy is designed to be read on a personal computer in conjunction with internet access as there are many hyperlinks throughout the document that direct readers to relevant further information.*

General

1. This Policy only applies to activities that include the direct take (see definitions) of a Protected Species (see definitions) from the Great Barrier Reef Marine Park (the Marine Park) and does not cover activities that include the direct take of a Restricted Species (see definitions). The Great Barrier Reef Marine Park Authority (the Authority) recognises the internationally, nationally and regionally threatened and iconic status of Protected Species occurring in the Marine Park. The Authority acknowledges their significance to the Great Barrier Reef World Heritage Area and aims to reduce detrimental human-related impacts on these species, and hence promote their recovery in the wild, in part by requiring written permission for activities that include the direct take of a Protected Species from the Marine Park, where the take will contribute to the conservation of the Protected Species.

Permissions

2. In assessing applications for activities that include the direct take of a Protected Species, the Authority must have regard to:
 - (i) Australian and Queensland government legislation, policies and programs;
 - (ii) the conservation status of the species, including the species’ vulnerability to over-collecting and local depletion;
 - (iii) the ability of the applicant to take the species from a less protected Great Barrier Reef Marine Park zone;
 - (iv) the capacity of the applicant to collect, transport and / or handle the species to best practice standards; and
 - (v) the proposed use of the Protected Species, and the likely impacts of the method of take on the Protected Species.
3. The Authority considers that the take of a Protected Species may be appropriate in certain circumstances where the take will contribute to the conservation of the Protected Species, for the following activities:

- (i) Photography, filming or sound recording;
 - (ii) Public display for education and interpretation;
 - (iii) Tourism education and interpretation (e.g. touch tanks, touch & tell);
 - (iv) Research;
 - (v) Broodstock collection for aquaculture; and
 - (vi) Other activities on a case-by-case basis.
4. The Authority will only issue permissions for activities that include the direct take of a Protected Species in the categories of ‘Endangered’ and ‘Critically Endangered’ under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) where the activity will contribute significantly to the conservation of the species.
 5. The Authority may require that Protected Species be returned to the Marine Park if they are not injured or otherwise affected by removal for a specified permitted activity.
 6. The Authority will require written notification of the capture and fate of any Protected Species permitted to be taken from the Marine Park.
 7. The Authority may issue permissions for activities that include the direct take of a Protected Species for varying lengths of time depending on the purpose of the take.
 8. In line with Australian Government Cost Recovery Guidelines, the Authority may introduce permission application assessment fees for activities that include the direct take of a Protected Species, having regard to the level of assessment required.
 9. The Authority will require the purpose of the take of a Protected Species to be listed on the permission. Subsequent use of a Protected Species must be consistent with the purpose for which it was originally taken or other activities considered appropriate by the Authority.

Provision for sick, injured or at risk Protected Species

10. If necessary, the Authority will take appropriate measures to identify and protect, or otherwise deal with, individual Protected Species, or groups of Protected Species, which are of special interest.

Guidelines

11. The Authority may develop, review and amend guidelines for assessing applications for activities that include the direct take of a Protected Species from the Marine Park.

Photography, filming or sound recording

12. The Authority expects all photography, filming or sound recording activities that include the direct take of a Protected Species to be conducted to best practice standards.

Public display for education and interpretation

13. The Authority requires that activities that include the direct take of a Protected Species for public display be for the primary purpose of education and interpretation.

Tourism education and interpretation

14. The Authority encourages tourism operators to adopt, comply with and publicise best practices when undertaking activities that include the direct take of a Protected Species for the purpose of education and interpretation.

Research

15. The Authority will only consider activities that include the direct take of a Protected Species for research if the take contributes to the conservation of the species and is not inconsistent with relevant National Recovery Plans or Threat Abatement Plans.

Broodstock collection for aquaculture

16. Unless in exceptional circumstances, the Authority requires that activities that include the direct take of a Protected Species for supply as broodstock for aquaculture be for direct supply to licensed Australian aquaculture facilities.

BACKGROUND

TITLE

Managing activities that include the direct take of a Protected Species from the Great Barrier Reef Marine Park.

PREFACE

Policy maker and empowerment

Great Barrier Reef Marine Park Authority (by board decision, MPA 181/7)

Timing

MPA 195 - 2005

Editor's note

This policy implements a new management regime for activities that include the direct take of Protected Species and Strictly Protected Species in the Marine Park that is consistent with the Zoning Plan and associated Regulations.

Head notes

Conservation: Complementary Planning/Management: Protected Species: Strictly Protected Species: Endangered Species: Environment Impact Assessment: Take: Impacts of Use: Permit Matters: Fish: Management Guidelines: Research: Tourism: Turtles: Whales: Dolphins: Dugongs: Crocodiles: Sea Snakes.

PURPOSE

The purpose of this policy is to ensure consistent and effective use of, and management of, activities that include the direct take of a Protected Species or a Strictly Protected Species (see definitions) from the Marine Park.

The issues covered by this policy include: assessment considerations such as the conservation status of the species, zoning of the area of take, relevance to the conservation management of the Marine Park, permission information, provision for sick, injured or at risk animals, guidelines, photography, filming or sound recording, public display for education, tourism interpretation, research and broodstock collection for aquaculture.

The direct take of a Protected Species for the purpose of traditional use of marine resources is not addressed in this policy.

Relevant statute law, or other Authority policy, Ministerial decisions

Great Barrier Reef Marine Park Act 1975 (the Act)

Section 3: contains interpretation, including that “this Act” includes the regulations.

Section 5: states the object of this Act, which is to make provision for and in relation to the establishment, control, care and development of a marine park in the Great Barrier Reef Region in accordance with the provisions of this Act.

Section 7: states the functions of the Authority and provides that the Authority is responsible for the management of the Marine Park.

Specifically subsection 7(1)(b) states that among the functions of the Authority, the need to carry out, by itself or in co-operation with other institutions and persons, research and investigations relevant to the Marine Park.

- Section 8: empowers the Authority to do all things necessary or convenient to be done for or in connection with the performance of its functions.
- Section 38B prohibits a person from using or entering a zone for a purpose requiring the Authority's permission unless authorised by such a permission.
- Section 38C prohibits contravention of permission conditions.
- Section 61 empowers the Authority to delegate any of its powers under this Act, other than this power of delegation.
- Section 66 empowers the Authority with the capacity to create regulations that provide for the collection of specimens and the pursuit of research in the Marine Park for scientific purposes.

Great Barrier Reef Marine Park Regulations 1983 (the Regulations)

Regulation 29

defines, for the purposes of the *Great Barrier Reef Marine Park Zoning Plan 2003*, the species that are declared as protected species.

Regulation 69

allows for the taking of two species of syngnathids if the activity is done in accordance with the *Fisheries (East Coast Trawl) Management Plan 1999* of Queensland.

Regulation 74, 75, 76, 77

states how an application must be made, information required, additional information required for research applications and what the Authority must consider in applications for permission to use or enter into a zone in the Amalgamated Great Barrier Reef Section.

Regulation 110

states that the Authority may suspend a permission if it appears to the Authority that the permission holder is failing to comply with a condition of that permission.

Regulation 112

states that the Authority may revoke a permission if, 60 days after suspension of the permission, the permission holder continues to fail to comply with the condition.

Regulation 117

states that the Authority must not grant a permission to use or enter or carry on an activity in the Marine Park unless the Authority has made an assessment of the impact the use, entry or activity is likely to have on the Marine Park and the Great Barrier Reef.

Great Barrier Reef Marine Park Zoning Plan 2003 (the Zoning Plan)

Part 5, Section 5.3

Entry to zones for the purpose of taking Protected Species etc. states:

A zone may be used or entered for the purposes of taking an animal or plant of a protected species or a strictly protected species only:

(a) in accordance with a permission granted for a provision of Part 2 of this Zoning Plan; or

(b) in accordance with:

(i) an accredited traditional use of marine resources agreement, and any provisions of the Regulations applicable to the operation of the agreement; or

(ii) an accredited harvest fishery; or

- (c) for any other purpose prescribed in the Regulations for this paragraph, and in accordance with any limitation prescribed in the Regulations.

25 Year Strategic Plan for the Great Barrier Reef World Heritage Area

The 25 Year Strategic Plan recognised the importance of species conservation as a strategic management tool, and is identified as one of the main objectives:

- 25 year objective: to ensure the World Heritage Area persists as a diverse, resilient, productive ecosystem;
- 5 year objective: to pay special attention to conserving rare and endangered species;
- 5 year strategies to identify species and threats, and develop and implement coordinated management actions.

Marine Park Authority (MPA) Board policy

Key components of MPA policy are below:

- In 1996, MPA (161/8) adopted an interim policy on the traditional hunting of dugongs (essentially not recommending the granting of permissions for the take of dugongs for the purpose of traditional hunting in the area south of Cooktown).
- In 1999 and 2000, MPA (177A/5; 179/4) approved the Whale and Dolphin Conservation Policy and the addendum to that policy in relation to swimming with dwarf minke whales.

DEFINITIONS

(from the Act, Regulations, Zoning Plan or Plans of Management)

- Animal*** In the Act, ***animal*** means any member, alive or dead, of the animal kingdom (other than man), and includes:
(a) eggs or part of eggs; and
(b) the skin, feathers, shell or any other part of an animal.
- Broodstock collection*** For the purposes of this policy, ***broodstock collection*** means the taking of adult breeders for aquaculture purposes, and not for consumption.
- Interfere with*** In the Cairns, Hinchinbrook and Whitsundays area and Shoalwater Bay (Dugong) Plans of Management, ***interfere with*** includes harass, chase, herd, tag mark and brand.
- Location*** In the Regulations, a ***location*** is defined as meaning a discrete, identified reef, or a continuous non-reef area of up to 10 square kilometres.
- Photography, filming or sound recording:*** In the Zoning Plan, ***photography, filming or sound recording*** means the recording of images or sounds in a way that has or is likely to have negligible impact on the Marine Park and does not involve any of the following:
(a) the use of a facility within 100 metres of a whale or within 50 metres of a dolphin;
(b) a person being in the water within 30 metres of a whale or dolphin;

	(c) the use of an aircraft (other than a helicopter) at a height lower than 1 000 feet within a horizontal radius of 300 metres of a whale or dolphin;
	(d) the use of a helicopter within 1 000 metres of a whale or a dolphin.
Protected Species	In the Zoning Plan, Protected Species means: a species declared for the purposes of this definition in the Regulations, and subject to any limitation prescribed in the Regulations.
	Regulation 29 Protected Species
	(1) For the definition of protected species in the Zoning Plan, the following species are declared:
	(a) each species that is a listed threatened species , a listed migratory species or a listed marine species (in each case within the meaning given by the <i>Environment Protection and Biodiversity Conservation Act 1999</i>);
	(b) each species of marine mammal, bird or reptile that is prescribed as ‘ endangered wildlife ’, ‘ vulnerable wildlife ’ or ‘ rare wildlife ’ under the <i>Nature Conservation Act 1992</i> of Queensland;
	(c) each species mentioned or referred to in Table 29.
	(2) An individual of a species of the genus <i>Epinephelus</i> (other than <i>E. tukula</i> or <i>E. lanceolatus</i>) is taken to be of a protected species if the individual is more than 1 000 millimetres long.
Public display for education and interpretation	For the purposes of this policy, the primary purpose of the facility must be education and interpretation (e.g. public aquaria or museum, not a restaurant or hotel foyer tank).
Research Project	In the Regulations, a research project means a diligent and systematic inquiry or investigation into a subject, in order to discover facts or principles that has its own objectives, sampling design and outcomes.
Restocking	For the purposes of this policy, restocking means the release of aquatic animals or plants reared in captivity (hatchery, nursery) or collected elsewhere.
Restricted Species	In the Regulations, Table 15 Restricted species for fishing or collecting , Part 1 lists specimens that cannot be taken or possessed at any time and Part 2 lists specimens where no more than 5 specimens can be taken or possessed at a time.
Strictly Protected Species	In the Zoning Plan, Strictly Protected Species means: a species (if any) prescribed for this definition in the Regulations, and subject to any limitation prescribed in the Regulations.
Taking	In the Zoning Plan taking an animal, plant or marine product includes: (a) removing, gathering, catching, capturing, killing, destroying, dredging for, raising, carrying away, bringing ashore, interfering with and obtaining (by any other means) the animal, plant or marine product; and

(b) attempting to do anything mentioned in paragraph (a).

This policy addresses activities that include the direct take of a Protected Species from the Marine Park and does not cover incidental take.

For the purposes of this policy, the terms *taking* and *take* are interchangeable with both retaining the definition of ‘taking’ in the Zoning Plan.

CONSULTATION

Two phases of consultation have occurred.

(1) As part of the Representative Areas Program for developing the Draft Zoning Plan. Of the 21,300 submissions received during that process, 520 responded specifically to the idea of protected species for the Marine Park.

(2) Subsequent to the formal public comment phase for the Draft Zoning Plan, discussions were held with the Queensland Department of Primary Industries and Fisheries, Environmental Protection Agency and the Australian Government Department of the Environment and Heritage, and the Fisheries and Conservation Reef Advisory Committees.

SUBSEQUENT DEVELOPMENTS

Under the *Great Barrier Reef Marine Park Regulations 1983*, Regulation 29 and Table 29 provide information on declared Protected Species. There are currently (as of May 2005) no Strictly Protected Species.

PROVISION FOR REVIEW

It is intended that this policy be reviewed as required.

REFERENCES

- [*25 Year Strategic Plan for the Great Barrier Reef World Heritage Area*](#)
- [*Environment Protection and Biodiversity Conservation Act 1999*](#)
- [*Great Barrier Reef Marine Park Act 1975*](#)
- [*Great Barrier Reef Marine Park Regulations 1983*](#)
- [*Great Barrier Reef Marine Park Zoning Plan 2003*](#)
- [*Cairns Area Plan of Management*](#)
- [*Hinchinbrook Area Plan of Management*](#)
- [*Whitsundays Area Plan of Management*](#)
- [*Shoalwater Bay \(Dugong\) Plan of Management*](#)
- [*Managing Scientific Research in the Great Barrier Reef Marine Park Policy Document 2004*](#)
- [*Nature Conservation Act 1992*](#)
- [*Whale and Dolphin Conservation in the Great Barrier Reef Marine Park Policy Document 2000*](#)

JUSTIFICATION

The aim of the Representative Areas Program (RAP) was to help protect biodiversity through protecting ‘representative’ examples of all the different habitats and communities in the Marine Park. In conjunction with this program, rezoning of the entire Marine Park provided an opportunity to develop consistent reef wide frameworks for managing use and entry, including managing activities that include the direct take of Protected Species and Strictly Protected Species.

The Protected Species list established under the Regulations is a list of species for which it is an offence to intentionally take unless in accordance with a permission granted by the Authority. Regulation 29 and Table 29 provide information on declared Protected Species.

The aim of this document is to outline the Authority’s approach to managing activities that include the direct take of Protected Species from the Marine Park.

Management Framework

A graded system of species protection, implemented through Schedules in the Regulations, was developed to allow the Authority to list species requiring special management arrangements on the basis of their conservation and/or iconic status.

The Schedule of Protected Species, includes:

- each species listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as a listed threatened species, a listed migratory species, or a listed marine species;
- each species of marine mammal, bird or reptile that is prescribed as ‘endangered wildlife’, ‘vulnerable wildlife’ or ‘rare wildlife’ under the *Nature Conservation Act 1992* (the NCA) of Queensland;
- an individual of a species of the genus *Epinephelus* (other than *E. tukula* or *E. lanceolatus*) if the individual is more than 1 000 millimetres long; and
- each species referred to in Table 29 of the regulations (see Table 1 below).

The Authority’s written permission is only required if an activity constitutes direct **taking** (see definitions) of a Protected Species or Strictly Protected Species from the Marine Park.

A permit from the Department of the Environment and Heritage will be required for any action affecting Cetaceans that would be in breach of the EPBC Act without the issue of a permit. This comes under the Delegation held by the Assistant Secretary, Wildlife Conservation Branch in the Department of the Environment and Heritage and must be considered via the usual permit process provided under the EPBC Act.

For matters pertaining to the trade, keeping or movement of EPBC Act listed threatened, migratory and marine species a permit will be required under the EPBC Act from the Department of the Environment and Heritage.

The written permission of other Government Agencies may also be required, in addition to the written permission of the Authority, to take a Protected Species. Other such agencies could include:

- The Queensland Environmental Protection Agency, in relation to the [Nature Conservation Act 1992](#) and the [Marine Parks Act 1982](#), which regulates activities in State coastal waters; and
- The Department of Primary Industries and Fisheries, in relation to the [Fisheries Act 1994](#), which regulates the use, conservation and enhancement of the community's fisheries resources and fish habitats.

Important Notes:

- Not all Protected Species listed under the Regulations are addressed in this policy.
- The Authority has concentrated on those species for which it considers it is likely to receive applications.
- Terrestrial flora and fauna have not been addressed in this policy because the Authority does not expect to receive applications for activities to take those species. If in the future the Authority recognises a need to develop specific policy for terrestrial Protected Species, then it will do so in accordance with approved procedures and protocols.
- Traditional uses of marine resources have not been addressed in this policy. The Authority will develop specific policy for Traditional use of marine resources in accordance with approved procedures and protocols.
- All other Protected Species will be covered on a case-by-case basis and activities that include the direct take of any Protected Species still require written permission from the Authority.
- Table 1 is a list of species covered by this policy.

The criteria used for listing threatened species under the EPBC Act are contained in the *EPBC Regulations 2000*, Division 7.01 and are reproduced below:

Item	Criterion	Category		
		Critically endangered	Endangered	Vulnerable
1	It has undergone, is suspected to have undergone or is likely to undergo in the immediate future:	a very severe reduction in numbers	a severe reduction in numbers	a substantial reduction in numbers
2	Its geographic distribution is precarious for the survival of the species and is:	very restricted	restricted	limited
3	The estimated total number of mature individuals is:	very low	low	limited
	and:			
	(a) evidence suggests that the number will continue to decline at:	a very high rate	a high rate	a substantial rate
	or			
	(b) the number is likely to continue to decline and its geographic distribution is:	precarious for its survival	precarious for its survival	precarious for its survival
4	The estimated total number of mature individuals is:	extremely low	very low	low
5	The probability of its extinction in the wild is at least:	50% in the immediate future	20% in the near future	10% in the medium-term future

The criteria used for listing threatened species under the NCA are contained in Part 5 Division 2 of the NCA and are reproduced below.

Note: The Queensland Parliament has passed amendments to change the five protected classes under the NCA to six. The six classes will be: extinct in the wild wildlife, endangered

wildlife, vulnerable wildlife, near threatened wildlife, and least concern wildlife. These changes have not yet taken effect (as of May 2005).

77 Native wildlife may be prescribed as endangered wildlife

(1) If the Governor in Council is of the opinion that—

(a) native wildlife is in danger of extinction; or
(b) the survival of native wildlife in the wild is unlikely if threatening processes continue; the wildlife may be prescribed as endangered wildlife.

(2) Native wildlife is taken to be in danger of extinction if— (a) its number has been reduced to a critical level or its habitat has been so drastically reduced that it may be in immediate danger of extinction; or (b) it has not been sighted in the wild for a period critical to its life cycle although no thorough search has been made for it.

78 Native wildlife may be prescribed as vulnerable wildlife

(1) If the Governor in Council is of the opinion that the survival of native wildlife in the wild is vulnerable if threatening processes continue, the wildlife may be prescribed as vulnerable wildlife.

(2) Native wildlife is taken to be vulnerable if— (a) its population is decreasing because of threatening processes; or (b) its population has been seriously depleted and its protection is not secured; or (c) its population, while abundant, is at risk because of threatening processes; or (d) its population is— (i) low or localised; or (ii) dependent on limited habitat that is at risk because of threatening processes.

79 Native wildlife may be prescribed as rare wildlife

(1) If the Governor in Council is of the opinion that native wildlife that is not threatened wildlife is rare, the wildlife may be prescribed as rare wildlife.

(2) Rare wildlife may include native wildlife whose population is represented by— (a) a relatively large population in a restricted range; or (b) smaller populations thinly spread over a wider range.

80 Native wildlife may be prescribed as common wildlife

(1) If the Governor in Council is of the opinion that— (a) native wildlife is common or abundant; and (b) the wildlife is likely to survive in the wild; the wildlife may be prescribed as common wildlife.

(2) Native wildlife may be prescribed as common wildlife even though the wildlife is the subject of a threatening process.

The other Protected Species covered by this Policy complement protection afforded under the Queensland *Fisheries Act 1994* and associated Regulations and Management Plans. Some of these same species are afforded protection under international conventions or treaties that Australia is a signatory to, and as such, requires special management arrangements for their export (e.g. Maori wrasse and giant clams are listed under Appendix II of [CITES](#); therefore, export approval is required under the EPBC Act).

Table 1: Species covered by this policy and their listing under Commonwealth and Queensland legislation.

Species	Common name	Commonwealth <u>Environment Protection and Biodiversity Conservation Act 1999</u>	Queensland <u>Nature Conservation (Wildlife) Regulation 1994</u>	Queensland <u>Fisheries Act 1994</u> (including subordinate legislation) †
<u>Invertebrates</u>				
<i>Cassis cornuta</i>	Helmet Shell	NS	NS	Restricted by species
<i>Charonia tritonis</i>	Giant Triton Shell	NS	NS	Restricted by species (Referred to as Trumpet Shell)
Family Tridacnidae (all species)	Giant Clams	NS*	NS	Restricted by species (Referred to by common name 'clam')
<u>Fish</u>				
Families Syngnathidae and Solenostomidae (all species)	Seahorses, pipefish, seadragons Ghost pipefish	Listed Marine Species (<i>Hippocampus sp.*</i>)	NS	Permitted fish Restricted by number Fisheries (East Coast Trawl) Management Plan 1999
<i>Epinephelus tukula</i>	Potato cod (all sizes)	NS	NS	Restricted by species
<i>Epinephelus lanceolatus</i>	Queensland grouper (all sizes)	NS	NS	Restricted by species
All species of the Genus <i>Epinephelus</i> greater than 1000mm long except <i>Epinephelus tukula</i> <i>Epinephelus lanceolatus</i>	Cods and groupers Potato Cod Queensland grouper	NS	NS	Restricted by size (Note: only camouflage rock cod, flowery cod and greasy rock cod)
<i>Cromileptes altivelis</i>	Barramundi cod	NS	NS	Restricted by species
<i>Cheilinus undulatus</i>	Maori wrasse	NS*	NS	Restricted by species
<i>Pristidon microdon</i>	Freshwater Sawfish	Vulnerable	NS	NS
<i>Rhincodon typus</i>	Whale shark	Vulnerable	NS	NS
<i>Carcharias taurus</i>	Grey nurse Shark	Critically Endangered	Endangered	Restricted by species
<i>Carcharias carcharias</i>	Great white Shark	Vulnerable*	NS	Restricted by species
<u>Marine Reptiles</u>				
Families Hydrophiidae and Laticaudidae (all species)	Sea snakes	Listed Marine Species	NS	NS

Species	Common name	Commonwealth <u>Environment Protection and Biodiversity Conservation Act 1999</u>	Queensland <u>Nature Conservation (Wildlife) Regulation 1994</u>	Queensland <u>Fisheries Act 1994</u> (including subordinate legislation) †
Genus <i>Crocodylus</i> (all species)	Crocodiles	Listed Migratory Species Listed Marine Species	Estuarine crocodile (<i>Crocodylus porosus</i>) Vulnerable	NS
Family Cheloniidae (all species)	All species	Listed Migratory Species Listed Marine Species		NS
	Flatback turtle	Vulnerable	Vulnerable	
	Green turtle	Vulnerable	Vulnerable	
	Hawksbill turtle	Vulnerable	Vulnerable	
	Loggerhead turtle	Endangered	Endangered	
	Olive Ridley	Endangered	Endangered	
Family Dermochelyidae (all species)	Leatherback turtle	Listed Marine Species Listed Marine Species Vulnerable	Endangered	NS
Birds				
Class Aves (all species)	Birds	Some Listed Marine Species Some Listed Migratory Species	All species are listed as 'Common' except as noted below	NS
	Grey-headed albatross	Vulnerable		
	Herald petrel	Critically endangered	Endangered	
	Little tern	NS	Endangered	
	Northern giant petrel	Vulnerable		
	Red-tailed tropicbird	NS	Vulnerable	
	Sooty albatross	Vulnerable		
	Southern giant petrel	Endangered		
	Wandering albatross	Vulnerable		
Marine Mammals				
Families Otariidae and Phocidae (all species)	Seals	Listed Marine Species	Common	NS
	Subantarctic fur seal	Vulnerable	Common	
<i>Dugong dugon</i>	Dugong	Listed Marine Species Listed Migratory Species	Vulnerable	NS
Order Cetacea (all species)	Whales & dolphins	Listed Cetaceans Some Listed Migratory Species	All species are listed as 'Common' except as noted below	NS
	Blue whale	Endangered		

Species	Common name	Commonwealth <i><u>Environment Protection and Biodiversity Conservation Act 1999</u></i>	Queensland <i><u>Nature Conservation (Wildlife) Regulation 1994</u></i>	Queensland <i><u>Fisheries Act 1994</u> (including subordinate legislation)[†]</i>
	Fin whale	Vulnerable	Vulnerable	
	Humpback whale	Vulnerable	Vulnerable	
	Indo-pacific hump-backed dolphin	NS	Rare	
	Irrawaddy dolphin	NS	Rare	
	Sei whale	Vulnerable		

NS = Not Scheduled.

† Queensland *Fisheries Act 1994* and subordinate legislation lists species that may be taken in each commercial fishery (e.g. net, trawl, line). In the case of the recreational fishery restrictions are imposed only if the fish is specifically regulated (e.g. by size, number, gender or area).

* *CITES* (Convention on International Trade in Endangered Species of Wilde Fauna and Flora) listed species require an EPBC Act permit, accompanied by a non-detriment finding, for export of specimens taken from the wild.

Note: This table is subject to change as a result of changes to species lists under relevant pieces of legislation.

Implementation

This policy will be implemented in accordance with the existing [Goal and Aims](#) of the Authority and in collaboration with the appropriate Australian Government and Queensland agencies.

Potential adverse impacts on Protected Species in the Marine Park due to human activities will be reduced primarily through education and by regulation, permission or best environmental practices and codes of conduct.

Background Information

The Authority will base management decisions concerning Protected Species on the available information about the species and human activities and other factors that may affect them, and on prudent application of the precautionary principle¹ where there are potential threats of serious or irreversible harm to Protected Species populations.

General

- 1. This Policy only applies to activities that include the direct take (see definitions) of a Protected Species (see definitions) from the Great Barrier Reef Marine Park (the Marine Park) and does not cover activities that include the direct take of a Restricted Species (see definitions). The Great Barrier Reef Marine Park Authority (the Authority) recognises the internationally, nationally and regionally threatened and iconic status of Protected Species occurring in the Marine Park. The Authority acknowledges their significance to the Great Barrier Reef World Heritage Area and aims to reduce detrimental human-related impacts on these species, and hence promote their recovery in the wild, in part by requiring written permission for activities that include the direct take of a Protected Species from the Marine Park, where the take will contribute to the conservation of the Protected Species.***

In the *Great Barrier Reef Marine Park Zoning Plan 2003* (Zoning Plan) Part 5, Section 5.3 Entry to zones for the purpose of taking Protected Species etc. states:

A zone may be used or entered for the purposes of taking an animal or plant of a protected species or a strictly protected species only:

- (a) in accordance with a permission granted for a provision of Part 2 of this Zoning Plan; or
- (b) in accordance with:
 - (i) an accredited traditional use of marine resources agreement, and any provisions of the Regulations applicable to the operation of the agreement; or
 - (ii) an accredited harvest fishery; or
- (c) for any other purpose prescribed in the Regulations for this paragraph, and in accordance with any limitation prescribed in the Regulations.

Furthermore, in the Regulations Part 2, Division 2.2, Regulation 69 Entry to zones for purpose of taking certain Protected Species states:

For paragraph 5.3 (c) of the Zoning Plan:

- (a) the following purpose is prescribed, that is, the taking of an animal of the species *Solegnathus hardwickii* or *S. dunckeri*; and

¹ defined in the *Intergovernmental Agreement on the Environment* (1992), which states that in the application of the precautionary principle, public and private decisions should be guided by:

- (i) careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment; and
- (ii) an assessment of the risk-weighted consequences of various options.

(b) the following limitation is prescribed, that is, that the taking must be in accordance with the *Fisheries (East Coast Trawl) Management Plan 1999* of Queensland.

Note The two species mentioned are pipefish, of the family Syngnathidae. All species of that family are otherwise protected – see Regulation 29.

All applications for permissions to conduct activities that include the direct take of a Protected Species in the Marine Park must be assessed in accordance with the Regulations. Regulation 74 lists the matters to which the Authority must have regard in considering applications for activities that include the direct take of a Protected Species or Strictly Protected Species. Regulation 117 states that an assessment of the impact of activities in the Marine Park must be made before granting a permission. In undertaking an assessment where the potential impacts of an activity are unknown, the precautionary principle will be applied.

Permissions

2. *In assessing applications for activities that include the direct take of a Protected Species, the Authority must have regard to:*

(i) *Australian and Queensland government legislation, policies and programs.*

The Authority has obligations under the provisions of future act notification under the *Native Title Act 1993* to notify and provide Land Councils, registered Native Title Representative Bodies and Native Title representative claimants with the opportunity to comment on any proposal to issue a permission under Great Barrier Reef Marine Park Legislation.

Many of the Protected Species covered by this policy are migratory and therefore cross State, national and international jurisdictional boundaries. As such, at least within the Great Barrier Reef World Heritage Area, complementary approaches to the species' conservation and management should be developed. As such, the Authority will not be inconsistent with the following documents in making decisions on applications for activities that include the direct take of Protected Species from the Marine Park and will incorporate these practices into guidelines and best environmental practices.

- Recovery Plans and Threat Abatement Plans developed by the Department of the Environment and Heritage under the EPBC Act;
- Requirements for the take of listed threatened, listed migratory and listed marine species under the EPBC Act; and
- Australian Government or Queensland Conservation or Management Plans or policies.

The Australian Government Department of the Environment and Heritage (DEH) develop and implement recovery plans for threatened species (other than conservation dependent species) and threatened ecological communities and threat abatement plans for key threatening processes listed under the EPBC Act. Recovery plans set out the management actions necessary to stop the decline of, and support the recovery of, listed threatened species or threatened ecological communities. Threat abatement plans are developed in response to the listing of a key threatening process rather than aimed at species directly.

For further information refer to:

<http://www.deh.gov.au/biodiversity/threatened/recovery/index.html>

and

<http://www.deh.gov.au/biodiversity/threatened/tap/index.html>

Under the EPBC Act section 268 states that a Commonwealth agency must not take any action that contravenes a recovery plan or a threat abatement plan. Therefore, the Authority must be consistent in its approach to management of the activities covered by these plans.

The Queensland Environmental Protection Agency (EPA) also develop and implement recovery plans, which set out the research and management actions necessary to stop the decline, support the recovery and enhance the chance of long-term survival in the wild, of a particular species or community of protected wildlife, and conservation plans, which allow for the ecologically sustainable taking and use of protected wildlife from the wild for commercial and non-commercial purposes.

For further information refer to:

http://www.epa.qld.gov.au/nature_conservation/wildlife/endangered_animals/recovery/conservation_plans/

The Queensland Department of Primary Industries and Fisheries (DPIF) develop and implement [fisheries management plans](#), which set out controls such as the number of boats that can operate in a fishery, the time and place of fishing, the type and specifications (e.g. length) of boat and fishing gear, the amount of catch (e.g. “total allowable catch”), the size, sex or maturity of fish (e.g. berried crabs, lobsters or various fin fish) that can be taken on board, held, landed or offered for sale.

(ii) *the conservation status of the species, including the species’ vulnerability to over-collecting and local depletion;*

Many of the Protected Species covered by this policy are listed threatened species under Commonwealth or Queensland legislation (refer Table 1).

International conventions or treaties agreed to by the Australian Government also cover many of the Protected Species in this policy (Stokes *et al.* 2005²), which places obligations on the Authority to conserve the species either for its role in the ecosystem, or as an iconic species.

The susceptibility of marine wildlife to impacts varies by species and the nature of the impacts. For example, species or populations with few individuals, or that are confined to limited geographic areas, are generally more vulnerable than those that are common or cosmopolitan in distribution. This is because the effects are concentrated on individuals or a specific area and they are likely to be less resilient as common or widely distributed species. In addition, species may be more vulnerable at certain times in their life cycle (for example when they are very young), at certain times of the year such as during breeding seasons, or when they are engaged in particular behaviours such as feeding. Species with limited geographic areas and limited abilities to spawn across substantial distances are more at risk and unlikely to recover from overexploitation. Species may also be more vulnerable to certain impacts because of physiological, behavioural, or other factors, such as breeding aggregations.

² Stokes, T., Dobbs, K., Mantel, P., and Pierce, S. 2005. ‘[Flora and Fauna of the Great Barrier Reef World Heritage Area: A compendium of information and basis for the Species Conservation Program of the Great Barrier Reef Marine Park Authority](#)’, GBRMPA, Townsville.

Furthermore, exposure to some impacts may lead to habituation, so that the effect of an impact on the animal declines with time as the animal becomes ‘accustomed’ to the impact. However, habituation does not always occur and is difficult to measure.

Some Protected Species have life history characteristics that can make individuals, genetic stock or entire populations vulnerable to removal from the Marine Park. Some of these characteristics include long-lived, late maturation, low reproductive rate (or low survivorship of young) and high adult survivorship required for stable populations. These characteristics mean that human-related mortality of key age classes (e.g. breeding animals) or large numbers being removed from particular locations can severely impact the species’ population and resilience and ability to recover.

(iii) the ability of the applicant to take the species from a less protected Great Barrier Reef Marine Park zone;

The Authority uses zoning as a tool to manage for the protection and wise use of the Marine Park. The Zoning Plan sets out the purpose for which each zone may be used or entered without permission, and the purposes for which each zone may be used or entered only with the written permission of the Authority.

The Preservation Zone has been established to provide for the preservation of the natural integrity and values of areas of the Marine Park, generally undisturbed by human activities. The Zoning Plan provides for research (including limited impact research (non-extractive) and limited impact research (extractive)) (with the written permission of the Authority) provided that it can be demonstrated to the Authority that:

- (a) the research is relevant to, and a priority for, the management of the Marine Park; and
- (b) the research cannot reasonably be conducted elsewhere.

The Buffer Zone and the Marine National Park Zone are also highly protected. In both of these zones, extractive activities are generally considered inconsistent with the objectives of the zone. However, in recognising the needs of specific stakeholders to take Protected Species, the Authority will consider applications where there is demonstrated justification relevant to, and a priority for, the management of the Marine Park; or the take cannot reasonably be conducted elsewhere.

The Public Appreciation Special Management Area (PA SMA) were established to provide for restrictions on access to, or use of, specified areas of the Marine Park for conservation or management purposes for appreciation by the public. A PA SMA must not be used or entered for any of the following purposes:

- (a) limited spearfishing;
- (b) the conduct of a harvest fishery;
- (c) aquaculture operations (this does not apply to the Fitzroy Island Reef PA SMA).

Based on this objective, for the purposes of this Policy, it is not appropriate to allow activities that include the direct take of a Protected Species from within a PA SMA unless the activity is a priority for management of the Marine Park and the activity cannot reasonably be conducted elsewhere.

(iv) the capacity of the applicant to collect, transport and / or handle the species to best practice standards;

Currently, only researchers, on request, are required to provide proof of university/institution animal ethics approval to the Authority when they apply for a

permission to conduct research in the Marine Park. The Authority does not intend to extend this requirement to all applicants who apply to undertake an activity that includes the direct take of a Protected Species from the Marine Park. However, the Authority needs to be assured that not more than the required number of Protected Species is taken from the Marine Park (and that numbers are not inflated because of known or suspected mortality that might occur as a result of capture or transport for their final use). Also, some of the Protected Species covered by this policy are dangerous (e.g. crocodiles), susceptible to capture and transport requirements (e.g. syngnathids) or are subject to stress when attempts are made to capture or transport them (e.g. fish). Therefore, to minimise impacts to both the Protected Species and the overall Marine Park, the Authority needs assurance from the applicant that they have the suitable suite of skills and equipment to manage the direct take of Protected Species from the Marine Park. This can be by way of industry or government training programs or a demonstrated past experience in conducting the specified activity.

(v) the proposed use of the Protected Species, and the likely impacts of the method of take on the Protected Species;

The Authority acknowledges that not all activities are appropriate for all Protected Species, and the Protected Species Activity Matrix (Appendix 1) indicates what activities are most likely to be considered, depending on the Protected Species involved. Other activities will be assessed on a case-by-case basis. Activity specific controls will be applied through Regulation, permissions, codes of conduct or best environmental practices, whichever is deemed most suitable for protecting the species to be taken. The Authority also acknowledges that different methods of take will have different degrees of impact on the Protected Species. For example, the act of capturing or attempting to capture animals can involve repeated chasing, trapping or netting of individuals or groups, until the desired animals are successfully captured. These activities can generate noise, cause physical disturbance and behavioural modification, and can be stressful and disruptive. Other methods of capture can be more selective, such as line fishing, however are only appropriate for some Protected Species and are associated with other issues such as damage from hooks. The method of take and other appropriate alternatives will be considered during permission assessment.

3. *The Authority considers that the take of a Protected Species may be appropriate in certain circumstances where the take will contribute to the conservation of the Protected Species, for the following activities:*

- (i) Photography, filming or sound recording;***
- (ii) Public display for education and interpretation;***
- (iii) Tourism education and interpretation (e.g. touch tanks, touch & tell);***
- (iv) Research;***
- (v) Broodstock collection for aquaculture; and***
- (vi) Other activities on a case-by-case basis.***

The Authority anticipates that the above activities are likely to be the requested activities that include the direct take of a Protected Species. The Authority acknowledges that not all of the activities are appropriate for all of the Protected Species, and the Protected Species Activity Matrix (Appendix 1) indicates what activities are most likely to be considered, depending on the Protected Species involved. Activity specific controls will be applied through Regulation, permissions, codes of conduct or best environmental practices, whichever is deemed most suitable for protecting the species to be taken.

4. ***The Authority will only issue permissions for activities that include the direct take of a Protected Species in the categories of ‘Endangered’ and ‘Critically Endangered’ under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) where the activity will contribute significantly to the conservation of the species.***

The Authority will assess applications for activities that include the direct take of Protected Species in the above categories on a case-by-case basis. For a permission to be granted for a species listed as ‘Endangered’ or ‘Critically Endangered’ under the EPBC Act the activity must contribute significantly to the conservation of the species.

5. ***The Authority may require that Protected Species be returned to the Marine Park if they are not injured or otherwise affected by removal for a specified permitted activity.***
- The Authority may require under the terms of a permission the return of a Protected Species to the Marine Park. Examples of situations where this is likely to be requested are when a Protected Species has been removed from the Marine Park:
- for display in a touch tank on a pontoon for part of one day; or
 - for filming in an aquarium and held in captivity for a short term.

The terms of removal and subsequent replacement of the species will be dealt with on a case-by-case basis but will have regard to issues such as the length of time the animal has been removed from the Marine Park, the conditions under which it was held, and any other health, welfare or quarantine issues that may be relevant, including potential impact on wild stock. Where possible, the return of a Protected Species to the Marine Park should be at the same location from where it was taken.

6. ***The Authority will require written notification of the capture and fate of any Protected Species permitted to be taken from the Marine Park.***

The Authority will require, under the terms of a permission, written notification of the capture and fate of any Protected Species. A Protected Species Report Form (Appendix 8) has been developed for this purpose and should be attached to permissions allowing the take of a Protected Species. The timeframe for submitting written notification will be assessed on a case-by-case basis, but will generally be within ten (10) days of the take of a Protected Species.

7. ***The Authority may issue permissions for activities that include the direct take of a Protected Species for varying lengths of time depending on the purpose of the take.***

The Authority is able to issue permissions for varying lengths of time, ranging from several days to fifteen (15) years, depending on the type of activity. For example, filming *in situ* for a documentary could be permitted for several weeks, whereas dedicated tourism watching of a Protected Species could be permitted for fifteen (15) years in the case of an appropriately certified 15-year tourism operator. Research permissions are normally issued for up to three (3) years. Essentially, the period in the permit issued will be assessed on a case-by-case basis.

8. ***In line with Australian Government Cost Recovery Guidelines, the Authority may introduce permission application assessment fees for activities that include the direct take of a Protected Species, having regard to the level of assessment required.***

The Australian Government has adopted Cost Recovery Guidelines for government activities. The Authority in adopting these guidelines may introduce permission application assessment fees for applications to undertake activities that include the direct

take a Protected Species. The assessment fee will be in line with the permitted activity and reflect the level of assessment required.

- 9. *The Authority will require the purpose of the take of a Protected Species to be listed on the permission. Subsequent use of a Protected Species must be consistent with the purpose for which it was originally taken or other activities considered appropriate by the Authority.***

Protected Species have been listed because of their conservation concern and iconic status. As such, it is important that activities that include the direct take of these species be identified on permissions (e.g. ‘*The take of a Protected Species for tourism education and interpretation*’). This will further inform the permittee that the conduct of their permitted activity includes the take of a Protected Species and will assist enforcement agencies by identifying the purpose of the take.

Subsequent use of a Protected Species must be consistent with the purpose for which it was originally taken or other activities considered appropriate by the Authority. For example, a protected fish that can no longer be used for broodstock for aquaculture could be donated to public aquaria for public display.

Provision for sick, injured or at risk Protected Species

- 10. *If necessary, the Authority will take appropriate measures to identify and protect, or otherwise deal with, individual Protected Species, or groups of Protected Species, which are of special interest.***

These measures are reserved for an animal(s) within the Marine Park that is/are judged to be at particular risk of harassment, injury or death from humans (e.g. morphological or colour-variant individuals, and sick, injured, trapped or entangled individuals). These measures would be implemented in rare cases and to an extent commensurate with the benefit to the conservation of the species or populations, and would not generally be used to interfere with natural processes.

Guidelines

- 11. *The Authority may develop, review and amend guidelines for assessing applications for activities that include the direct take of a Protected Species from the Marine Park.***

The development of future guidelines, approved by the Chair, will provide a consistent and transparent framework for making decisions about activities that include the direct take of Protected Species in addition to the terms and conditions under which that take may occur. These guidelines will be developed, reviewed and amended from time to time as required.

The Protected Species Activity Matrix at Appendix 1 gives an overview of the activities the Authority is likely and unlikely to issue a permission for the take of a Protected Species.

Photography, filming or sound recording

- 12. *The Authority expects all photography, filming or sound recording activities that include the direct take of Protected Species to be conducted to best practice standards.***

An awareness of any impact on the surrounding environment when conducting photography, filming or sound recording needs to be uppermost in a person’s mind. Every attempt should be made to photograph, film or sound record Protected Species without taking (i.e. moving, touching, carrying away or interfering) them. In recognition of the

environmental significance and World Heritage status of the Marine Park, and the threatened or iconic status of the Protected Species covered by this policy, the Authority expects all permittees to adopt best environmental practices when conducting all activities in the Marine Park. [Best environmental practice guidelines](#) have been prepared for a range of activities.

These guidelines should be considered by persons undertaking photography, filming or sound recording when taking Protected Species from the Marine Park and the Authority can promote these to prospective Permittees at the time of application.

For specific guidelines relating to photography, filming or sound recording refer to Appendix 2.

Public display for education and interpretation

13. The Authority requires that activities that include the direct take of a Protected Species for public display be for the primary purpose of education and interpretation.

The Authority anticipates requests for activities that include the direct take of a Protected Species for public display in facilities such as commercial public aquaria and museums. The Authority appreciates that Protected Species are listed because of concern about their conservation and/or iconic value and therefore requires that the take of a Protected Species for the purpose of public display be for the benefit of public education and interpretation. Education presents the facts, while interpretation uses those facts to increase appreciation and positively influence behaviour. It is recommended that appropriate interpretation (e.g. status, threats, biology, physiology, origin) accompany the display of a Protected Species through mechanisms such as signage on the display or presentations by facility guides.

For guidelines relating to the removal from the Marine Park for public display for education refer to Appendix 3.

Tourism education and interpretation

14. The Authority encourages tourism operators to adopt, comply with and publicise best practices when undertaking activities that include the direct take of a Protected Species for the purpose of education and interpretation.

Tourism industry education and interpretation is one of the most effective ways to increase people's awareness of the environment. Education presents the facts, while interpretation uses those facts to increase appreciation and positively influence behaviour.

Health of the animals and all of the other organisms that make up the Marine Park is in the interests of both the industry and management, for now and for the future.

The definition of take is quite broad and includes a range of activities (from killing to interference). For the purposes of this Policy, so long as tourism operators do not interfere with the Protected Species (e.g. harass, chase, herd, tag, mark, brand) or do any of the other activities mentioned under the definition of 'taking', then no written permission is required from the Authority.

The matter of touching a Protected Species is a sensitive one. The touching of any Protected Species for the purposes of tourism interpretation is not supported, other than possible consideration of the careful handling of triton and helmet shells by an

appropriately trained tourist guide, because for many species touching is likely to be hazardous for the animal, in terms of potential physical damage and the possibility of two-way disease transfer. Touching is explicitly prohibited for some species (e.g. cetaceans) through Regulations, however for most of the other Protected Species there are no Regulations. Alternative options are available for viewing these animals such as appreciating them in their natural ecosystem. Tourism operators provide the public with the opportunity to encounter up close the natural living system of the Great Barrier Reef and learn first hand about its World Heritage values. One of the sustainable methods of maintaining the diversity, integrity and productivity of the Great Barrier Reef is to restrict the take of Protected Species.

For guidelines relating to tourism education and interpretation refer to Appendix 4.

Research

15. The Authority will only consider activities that include the direct take of a Protected Species for research if the take contributes to the conservation of the species and is not inconsistent with relevant National Recovery Plans or Threat Abatement Plans.

Research plays an important role in the management of the Marine Park and World Heritage Area and the Authority is committed to ensuring that management decisions are based on the best scientific information available. The Authority also appreciates that Protected Species are listed because of concern about their conservation and/or their iconic value. This means that proposed research needs to have been identified as contributing to the conservation of the species in the Marine Park or identified as one of the Authority's research priorities and is not inconsistent with national recovery plans or threat abatement plans, as amended from time to time. For further information refer to: http://www.gbrmpa.gov.au/corp_site/info_services/science/research_priorities/index.html

For guidelines relating to research refer to Appendix 5.

Some research applications may be referred to the Authority's Environmental Research Ethics Advisory Committee (EREAC). For guidelines relating to the EREAC refer to Appendix 7.

Broodstock collection for aquaculture

16. Unless in exceptional circumstances, the Authority requires that activities that include the direct take of a Protected Species for supply as broodstock for aquaculture be for direct supply to licensed Australian aquaculture facilities.

There is a demand for the take of some Protected Species as broodstock for aquaculture from the Marine Park. Industry and Government resources have been earmarked and allocated to the development of reef fish species aquaculture in Australia. To ensure the conservation of the species and to safe guard the growth of the Australian aquaculture industry, it is recommended that restricted take of relevant Protected Species be allowed for the benefit of the Australian aquaculture industry.

For guidelines relating to broodstock collection for aquaculture refer to Appendix 6.

Appendix 1 - Protected Species Activity Matrix

	<i>in situ</i> activities ^{∇#} (e.g. filming)	Filming removal ^x	Public display for education	Tourism interpretation (e.g. touch & tell, touch tank)*	Research**	Broodstock collection for aquaculture
Helmet shells	L	L	L	L	L	U
Triton shells	L	L	L	L	L	U
Giant clams	L	L	L	Dead only (for shell display)	L	L
Syngnathids	L	L	L	U	L	L
Potato cod	L	U	L	U	L	U
Queensland Grouper	L	U	L	U	L	U
<i>Epinephelus</i> > 100cm	L	U	L	U	L	U
Barramundi cod	L	U	L	U	L	L
Maori wrasse	L	U	L	U	L	U
Freshwater sawfish	L	U	U	U	L	U
Whale shark	L	U	U	U	L	U
Grey nurse shark	L	U	U	U	L	U
Great white shark	L	U	U	U	L	U
Sea snakes	L	L	L	U	L	U
Crocodiles	L	U	U	U	L	U
Flatback turtle	L	U	U	U	L	U
Green turtle	L	U	U	U	L	U
Hawksbill turtle	L	U	U	U	L	U
Leatherback turtle	L	U	U	U	L	U
Loggerhead turtle	L	U	U	U	L	U
Olive Ridley turtle	L	U	U	U	L	U
Birds	L	U	U	U	L	U
Seals	L	U	U	U	L	U
Dugongs	L	U	U	U	L	U
Cetaceans	L	U	U	U	L	U

L = 'Likely' means the Authority may grant a permission for the take of the Protected Species for the particular activity noted after assessment that is in accordance with the Regulations, this policy and the associated guidelines, and appropriate conditions to manage the activity are developed.

U = 'Unlikely' means the Authority is unlikely to grant a permission for the take of the Protected Species, however exceptional circumstances may be considered.

∇ Permission only required if activity constitutes 'take' as defined in the Zoning Plan # Research requires a permission for this activity regardless of whether take occurs ^xTemporary removal or holding, one off events *Does not include fish feeding activities, **Non-lethal research only, lethal research would require substantial justification.

Appendix 2 – Assessment Guidelines for Photography, Filming or Sound Recording

A permission is only required if the activity of photography, filming or sound recording constitutes take of a Protected Species under the Zoning Plan or is not in accordance with the Regulations.

Removal in the context of the activity photography, filming or sound recording refers to the temporary removal or one off take events of a Protected Species. Regard should be given to [Best Environmental Practices](#) if take of a Protected Species from the Marine Park is permitted.

In assessing applications for activities that include the direct take of a Protected Species, the Authority will have regard to the capacity of the applicant to collect, transport and / or handle the species to best practice standards. A statement may be requested from applicants detailing this information and their qualifications.

The Authority is likely to consider appropriate activities that include the direct take of the following Protected Species for photography, filming or sound recording, providing all other requirements are satisfied:

IN SITU and REMOVAL

Every attempt should be made to photograph, film or sound record *in situ* the following Protected Species without taking (i.e. moving, touching, carrying away or interfering with) them in the process. However, permission applications for take will be considered for the following Protected Species, as it is unlikely that moving, touching, carrying away or interfering with them will be an unacceptable risk to them.

The Authority is likely to require replacement of the following Protected Species back to the location of their collection, as soon as is practical after the photography, filming or sound recording and before the permission expires.

- Helmet shell (*Cassis cornuta*)
- Triton shell (*Charonia tritonis*)
- Giant clams (Family Tridacnidae)
- Seahorses, pipefish and ghost pipefish (Families Syngnathidae and Solenostomidae)
- Sea snakes (Families Hydrophiidae and Laticaudidae)
 - *In situ* preferred.
 - The sourcing of specimens from alternative sources (e.g. trawled specimens, captive bred) would be preferable to additional specific take from the Marine Park.

IN SITU ONLY

As it is likely to be hazardous for the animal, in terms of potential physical damage, and alternative options are available, the removal of the following fish from the Marine Park for the purpose of photography, filming or sound recording is not supported. This activity should either be performed *in situ* where there are many reliable locations or permission sought to film inside commercial public aquaria that already displays them for education.

- Potato Cod (*Epinephelus tukula*) – all sizes
- Queensland Grouper (*Epinephelus lanceolatus*) – all sizes
- All species of the Genus *Epinephelus* (cods and groupers) greater than 100cm
- Barramundi cod (*Cromileptes altivelis*)
- Maori wrasse (*Cheilinus undulatus*)

- Freshwater Sawfish (*Pristis microdon*)

The Authority should avoid the granting of a permission to photograph, film or sound record *in situ* any coral reef fish during the fish spawning closed seasons implemented by the DPIF, unless the purpose of the application is to photograph, film or sound record a spawning aggregation site, and provided that no suitable stock footage is available. Further information on these closures can be found at: <http://www.dpi.qld.gov.au/fishweb/11416.html#Closedseasons>

- Whale shark (*Rhincodon typus*)
 - *In situ* only, no removal.
 - Ensure consistent with the [Draft Whale Shark \(*Rhincodon typus*\) Recovery Plan 2004-2009](#) (Department of the Environment and Heritage) and Western Australia's [Code of Conduct for Swimming with Whale Sharks](#).
- Grey Nurse shark (*Carcharias taurus*)
 - *In situ* only, no removal.
 - Ensure consistent with the [Recovery Plan for the Grey Nurse Shark \(*Carcharias Taurus*\) in Australia](#) (Department of the Environment and Heritage 2002).
 - Ensure consistent with the [Code of Conduct for diving with Grey Nurse Sharks](#).
 - Remain as consistent as possible with the restrictions at [declared Grey Nurse Shark Areas](#) in Moreton Bay Marine Park.
- Great white shark (*Carcharias carcharias*)
 - *In situ* only, no removal.
 - Ensure consistent with the [White Shark \(*Carcharodon carcharias*\) Recovery Plan](#) (Department of the Environment and Heritage 2002).
- Crocodiles (Genus *Crocodylus*)
 - *In situ* only, no removal as there is easy access to specimens in crocodile farms.
 - In accordance, where possible, with the EPA's [Wildlife Conservation – Crocodile in Queensland](#) document.
- Marine turtles (Families Cheloniidae and Dermochelyidae)
 - *In situ* only, no removal as the act of capturing or attempting to capture turtles can involve repeated chasing of individuals or groups, until the desired turtles are successfully captured. These activities generate noise, cause physical disturbance and behavioural modification, and are stressful and disruptive. Permission to film inside commercial public aquaria that already display them for education is an alternative option.
 - Ensure consistent with the [Recovery Plan for Marine Turtles in Australia](#).
 - Ensure consistent with the [Draft National Code of Conduct for turtle tourism](#) (Department of the Environment and Heritage 2004).
 - The Authority's [Whitsundays](#) and [Hinchinbrook](#) Plans of Management prohibit interference with turtles, and for the purpose of this guideline 'interference' means harass, chase, herd, tag, mark or brand.
 - Commonwealth Islands constitute part of the Marine Park and need to be considered for matters relating to turtle nesting.
- Birds (Class Aves)
 - *In situ* only, no removal as the act of capturing or attempting to capture birds can involve repeated chasing, trapping or netting of individuals or groups, until the desired birds are successfully captured. These activities generate noise, cause physical disturbance and behavioural modification, and are stressful and disruptive.
 - Ensure consistent with [The Action Plan for Australian Birds](#) (Department of the Environment and Heritage 2000).

