

POLICY STATEMENT NO. 33

**CONSERVATION OF THREATENED AND
SPECIALLY PROTECTED FAUNA IN THE
WILD**

MAY 1991

1. OPERATIONAL OBJECTIVE

To conserve threatened and specially protected fauna in the wild in Western Australia.

2. DEFINITIONS

This Policy Statement uses the term "threatened species" to mean any animal taxon declared under Section 14(2)(ba) of the Wildlife Conservation Act as "likely to become extinct or is rare". Taxa declared under the same Section as "otherwise in need of special protection" are termed "specially protected". Criteria for the declaration of taxa as "threatened" or "specially protected" are provided below.

"Interim Wildlife Management Guide-lines" means Guide-lines approved by the Director of Nature Conservation for the management and protection of threatened or harvested taxa where no full Wildlife Management Program has been prepared.

"Wildlife Management Program" means a publication produced by CALM providing detailed information and guidance for the management and protection of threatened or harvested species or groups of those species. Programs for threatened taxa are sometimes referred to as "Species Recovery Plans".

3. BACKGROUND

Introduction

The Department of Conservation and Land Management has statutory responsibilities for the conservation of fauna, through the Wildlife Conservation Act and the Conservation and Land Management Act.

Many animal taxa can be adequately conserved by the reservation and management of representative areas of habitat in the conservation reserve system. However, some taxa are now threatened and require special conservation action, both within the reserve system and of other categories of land and water. Other taxa are threatened through illegal exploitation related to commercial or other activities to such an extent that they are likely to become endangered without special protection.

Some animal taxa are naturally rare and/or geographically restricted and their conservation requires special protection and management. Some animal taxa have declined in status (and

- a) extensive clearing of habitat;
- b) the introduction of exotic animals, especially predators like the cat and fox;
- c) changes in habitat caused by different fire regimes, drainage, introduced herbivorous animals, plant diseases etc, and
- d) excessive exploitation.

Some endangered animal taxa are endemic to W.A. while others once occurred in other States but are now restricted to W.A. A few taxa that are threatened in W.A. are still found in other states.

A major broad strategy of the Department's Strategic Plan is to "Prepare and implement wildlife management programmes for wildlife throughout the State." The plan states that this will involve, in part, " Managing rare animal populations to ensure their survival."

Officers of the Department need to know how to identify species of threatened and specially protected fauna, where they occur, and how best to manage them. Although the Wildlife Conservation Act prescribes that threatened and specially protected fauna are protected on all categories of land throughout the State, destruction of habitat is not included within the definition of "taking" of fauna.

Threatened fauna conservation is an issue of high public profile, and one where the Department's activities are subject to close public scrutiny.

Legislation

The Wildlife Conservation Act prohibits the taking of threatened fauna by any person on any land throughout the State without the authority of a licence issued by the Executive Director. The fauna provisions of the Act do not bind the Crown.

Section 14(2)(ba) of the Wildlife Conservation Act states "The Minister may, from time to time by notice published in the Government Gazette, declare that any fauna specified in the notice is for the purposes of this Act fauna which is likely to become extinct, or is rare, or otherwise in need of special protection and while such declaration is in operation-

- i) such fauna is wholly protected throughout the whole of the State at all times, and;
- ii) a person who commits an offence under Section 16 or 16A with respect to or in relation to such fauna is liable, notwithstanding any other provision of this Act, to a penalty of \$10,000."

The same penalty applies irrespective of the number of animals "taken". This is no longer appropriate, especially in the case of animals that have an economic value, eg. finches or crocodiles.

The illegal destruction of protected fauna is covered in the Wildlife Conservation Act (Section 6(1)), where the following definition is given:

- includes waters "to take" in relation to any fauna, includes to kill or capture any fauna by any means or to disturb or molest any fauna by any means or to use any method whatsoever to hunt or kill any fauna whether this results in killing or capturing any fauna or not; and also includes every attempt to take fauna

and every act of assistance to another person to take fauna and derivatives and inflections have corresponding meaning;"

The destruction or modification of habitat by clearing or other means may result in the demise of sedentary animal species, or the displacement and eventual death of more mobile species, but this is not covered specifically in the definition of "to take". Although it can be argued that to clear habitat would "disturb or molest" the animals this is an indirect and unsatisfactory method of approaching habitat protection.

At present fauna is considered for declaration as threatened or specially protected on a taxon basis. There is a clear case for considering protection of very restricted habitats and their specialised taxa, such as caves harbouring troglobitic fauna, or isolated fresh water springs with unique species, and protecting habitats that are "threatened", but this cannot be done under the Wildlife Conservation Act.

The Schedule of Threatened Fauna

The Schedule of Threatened Fauna is reviewed at least every three years by an Threatened Fauna Scientific Advisory Committee established under this Policy. Individual taxa (species, subspecies) may be added or deleted at any time if warranted, eg. if an threatened species not previously known the State is discovered to occur here.

Animals (including fish and invertebrates) that are protected fauna under the Wildlife Conservation Act may be declared as threatened fauna by the Minister. Currently all invertebrates except jewel beetles (family Buprestidae) and ants of the genus *Nothomyrmecia* have been declared not protected by Ministerial notice. If any invertebrate taxa not in these groups are to be declared as threatened fauna they will first need to be protected by removal from the provisions of the Ministerial notice.

A taxon may be recommended for declaration as threatened fauna by the Threatened Fauna Scientific Advisory Committee if it satisfies the following criteria:

- i) The taxon is part of the indigenous fauna of Australia or its external territories, and is well defined in the taxonomic literature or, in the case of an undescribed or poorly defined taxon, it is represented by a voucher specimen in a State or National Museum or some other collection recognised by the Western Australian Museum as a proper repository for taxonomic material. It need not necessarily be formally described under conventions in the International Code of Zoological Nomenclature, but such a description is preferred and should be undertaken as soon as possible after listing on the schedule.
- ii) It has been established that the taxon in the wild is either:
 - a) presumed to be extinct
 - b) in imminent danger of or threatened with extinction, ie. it is likely to decrease in numbers and possibly become extinct if factors causing its decline continue to operate (includes taxa whose numbers have been reduced to a critically low level or whose habitats have been so drastically reduced that they are deemed to be in immediate danger of extinction, and taxa that are not yet rare but are under threat from serious adverse factors throughout their range);
 - c) dependent on or restricted to habitats that are vulnerable and /or subject to factors that may cause its decline; or

- d) very uncommon, even if widespread.

Taxa may be recommended by the Committee if it believes that they meet one or more of the above criteria, even if sufficient information exists to accurately establish their status at the time.

Taxa may also be declared by the Minister if they have been declared to be threatened by other Australian States or Territories (including taxa on the Official List of Endangered Vertebrates of Australia and its Island Territories adopted by the Council of Nature Conservation Ministers) or are classified as threatened in a treaty to which Australia is a Party. Western Australia has agreed to list all species listed under Article III of the Japan -Australian Migratory Birds Agreement (JAMBA). These birds are those on the Official List of Endangered Vertebrates of Australia and its Island Territories that do not occur naturally in Western Australia.

The status of an threatened taxon in captivity has no bearing on the above criteria.

The Threatened Fauna Scientific Advisory Committee may recommend that a taxon be removed from the schedule of threatened fauna where:

- i) recent zoological survey has shown that the taxon no longer meets the above criteria;
- ii) the taxon is no longer threatened because it has been adequately protected by habitat protection and its population numbers have increases beyond the danger point.

The Committee also prepares a "Reserve List" including animal taxa:

- a) that have recently been removed from the list of threatened fauna;
- b) that have a restricted distribution, are uncommon or are declining in range and/or abundance, but which do not meet the criteria for listing as threatened fauna; and
- c) for which there is insufficient information for the Committee to make an assessment of their status.

The Reserve list is also reviewed at least every three years.

The Schedule of Specially Protected Fauna

The Schedule of Specially Protected Fauna is dealt with in the same way as the Schedule of Threatened Fauna. The criteria for addition to the schedule are the same, except for addition criterion (ii) which is as follows:

- ii) It has been established that the taxon in the wild is either:
 - a) likely to be taken because of high commercial value and the standard penalty for taking is insufficient deterrent; or
 - b) uncommon, but not threatened at present, but is either of commercial or intrinsic value or is perceived to be damaging a commercial or hobby enterprise, and taking may lead to the taxon becoming threatened.

The Threatened Fauna Scientific Advisory Committee may recommend that taxa be removed from the schedule of specially protected fauna where:

- i) recent zoological survey has shown that the taxon no longer meets the above criteria;

- ii) the commercial or other incentive to take has disappeared or has been removed by some other means.

4. POLICY

The Department will:

- 4.1 Identify, locate and seek to conserve threatened and specially protected fauna.
- 4.2 Implement management practises to conserve threatened and specially protected fauna and their habitats.
- 4.3 Seek legislation to:
 - i) provide that the Wildlife Conservation Act binds the Crown with respect to threatened and specially protected fauna;
 - ii) provide for a general penalty for the offence of illegally taking threatened and specially protected fauna plus an appropriate penalty per animal taken;
 - iii) protect the habitat of sedentary taxa of threatened and specially protected fauna and key habitats of nomadic or migratory taxa;
 - iv) protect sites of special significance to groups of threatened fauna; and
 - v) provide that licences to take threatened and specially protected fauna or destroy their habitat be issued by the Minister.
- 4.4 Seek to reserve and manage land that provides habitat critical to the survival of threatened species in the wild.
- 4.5 Promote and/or undertake research into the distribution, taxonomy, genetic systems, population biology, ecology, protection, captive breeding and management of threatened and specially protected fauna.
- 4.6 Liaise with other land management and research agencies and private land owners to enhance the study and conservation of threatened and specially protected fauna.
- 4.7 Publicise the need for conservation of threatened and specially protected fauna, and encourage involvement in conservation from all sectors of the community.
- 4.8 Maintain a data base for threatened and specially protected fauna.

5. STRATEGIES

To accomplish the Department's objective and policies, the Department will:

- 5.1 Maintain an Threatened Fauna Scientific Advisory Committee including representatives of the Western Australia Museum and other relevant organisations to:
 - i) at least every three years, make recommendations to the Executive Director for amendments to the list of threatened and specially protected fauna (and, if the legislation is amended, to a list of protected sites);

- ii) recommend priorities to the Executive Director for research into and management of declared threatened fauna and their habitat;
 - iii) identify those taxa that are possibly threatened, in need of special protection or are in need of careful monitoring and advise the Executive Director accordingly; and
 - iv) review this Policy Statement at least every three years.
- 5.2 Develop Wildlife Management Programs (recovery plans) or Interim Wildlife Management Guide-lines for species or groups of species of threatened and specially protected fauna, and appoint "recovery teams" for their implementation.
- 5.3 Monitor known populations of threatened and specially protected fauna.
- 5.4 Undertake research on the distribution, taxonomy, genetic systems, populations biology, ecology, protection and management of threatened and specially protected fauna.
- 5.5 Translocate threatened fauna in the wild under approved Management Programs or Interim Wildlife Management Guide-lines.
- 5.6 Train staff how to conserve and manage threatened and specially protected fauna. Establish operational Guide-lines for protection of threatened and specially protected fauna on CALM lands and train staff in their use.
- 5.7 Nominate Officers in each region and district who shall be responsible for identifying threatened and specially protected fauna, training staff, overseeing management programs and providing liaison and advice on threatened and specially protected fauna.
- 5.8 Establish that no known declared threatened or specially protected fauna are present before undertaking any activity on CALM land that involves permanent destruction or major modification of habitat of native fauna.
- 5.9 Ensure that no known declared threatened or specially protected fauna is taken, destroyed, or otherwise injured on land managed by CALM or its habitat destroyed or modified unless approval has first been given by the Minister.
- 5.10 Ensure that any burning program on land managed by the Department will not lead to threatened fauna being threatened with extinction.
- 5.11 Establish and maintain means of identification, map records and other aids concerning relevant threatened and specially protected fauna at each Ranger station and district and regional office.
- 5.12 Maintain a geographic, administrative and biological data base on threatened and specially protected fauna.
- 5.13 Develop and manage a geographic, administrative and biological data base for threatened and specially protected fauna, including central records of all correspondence, discoveries of threatened and specially protected fauna populations, applications for permits to take threatened and specially protected fauna and other relevant matters.

- 5.14 Liaise with and assist private property owners and other land management agencies controlling land with populations of threatened and specially protected fauna so as to promote their conservation.
- 5.15 Acquire land through reservation, donation, exchange or purchase to protect threatened fauna populations where land and/or funds are available.
- 5.16 Publicise information on threatened fauna (without disclosing precise locations where this would be detrimental to conservation) and specially protected fauna, and encourage community involvement in their conservation.
- 5.17 Enforce the provisions of the Wildlife Conservation Act regarding the illegal taking of threatened or specially protected fauna.

Syd Shea
EXECUTIVE DIRECTOR

May 1991

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