

# Guidance notes for research permit applicants



Further information for researchers applying for *Wildlife Act 1975* or *Flora and Fauna Guarantee Act 1988* research permits.

These guidance notes provide further information to persons applying for a research permit under the *Wildlife Act 1975* and the *Flora and Fauna Guarantee Act 1988*. Researchers are encouraged to use the [pre-application checklist](#) to determine, in the first instance, if a permit is required.

## Who should apply for the permit?

The person named as the applicant should be the person with overall responsibility for the research project.

The permit holder can delegate others to conduct the approved research activities on their behalf. Each person must carry a signed copy of the permit as proof they have the permit holder's permission and understand the conditions of the permit.

In cases where a research project also requires approval from an animal ethics committee, the applicant must be named in the animal ethics application.

## How long does the application process take?

As a guide, complete applications are expected to take between 2 to 8 weeks to assess and determine (issue the permit or advise if the permit is not approved) based on the complexity rating of the application (**Table 1**).

*Table 1. Expected application processing times based on complexity rating*

| Complexity rating | Expected processing times* |
|-------------------|----------------------------|
| Low               | 2 - 4 weeks                |
| Medium            | 4 - 6 weeks                |
| High              | 6 - 8 weeks                |

\*Excludes weekends and public holidays

Note that the majority of applications received are 'low' or 'medium' complexity.

You will be contacted by the Conservation Regulator if there are any delays beyond these timeframes.

## How is the complexity of an application determined?

New applications are reviewed to ensure that they are complete and assigned a complexity rating. The complexity rating is determined by both the type of research activities proposed and the conservation status of the species. **Table 2** provides an indicative guide for the complexity assessment for applications.

# Guidance notes for research permit applicants

Table 2. Research application complexity assessment guide

| High  | Medium  | Low  |
|---|---|--|
| Translocation of wildlife, flora and listed fish                      | Research involving captive wildlife   | Research on and/or possession of dead wildlife                           |
| Taking wildlife from the wild into captivity (temporary or permanent) | Taking of blood or tissue samples from wildlife                               | Use of wildlife cameras with attractant (bait or scent)                  |
| Research involving live cetaceans*                                    | Ear tagging, leg banding, radio collars and microchipping of wildlife         | Taking of non-threatened protected flora - entire plants or plant parts) |
|   | Taking of flora listed as threatened under FFG (entire plants or part plants) | Call playback  |
|   | Research involving the use of dead cetaceans                                  | Temporary marking of wildlife  |

\* Due to legislative requirements for public notices, any research permits for cetaceans require additional processing time. For further information see 'Requirement to advertise cetacean research projects' on page 4.

## Can I amend or vary my permit?

A research permit may be amended to allow additional activities or changes to locations (where required).

The time taken to process an amendment will depend on the complexity of the change. The Conservation Regulator endeavours to process simple amendments within 2 to 4 weeks.

If your requested additional activities require ethics approval, updated ethics approval documentation must be submitted before the variation can be assessed.

A Wildlife Act research permit can only be issued for a maximum of three years. The expiry date can only be extended if the total time the permit has been issued does not exceed three years (see the next section for more information on renewals.)

Requests for amendments must be made in writing to [environmental.research@delwp.vic.gov.au](mailto:environmental.research@delwp.vic.gov.au).

## Can I renew my research permit?

Research permits may be issued again for the same project, or in other words, renewed. Applicants must submit a new application form and any relevant ethics documentation.

Researchers are encouraged to submit applications as early as possible, and at least two months prior to the expiry date of their original permit to prevent any disruption to their research.

## Access to State Forests

Approval to access State Forests to carry out research approved under the Wildlife Act or the FFG Act may be required.

Researchers are encouraged to use MapShare to identify the manager of public land in Victoria. Please visit [www.vic.gov.au/research-permits](http://www.vic.gov.au/research-permits) for information on how to access and use MapShare.

# Guidance notes for research permit applicants

Researchers need to contact the District Forest and Fire Manager in the relevant DELWP district to confirm if a permit is required. Contact the DELWP Customer Contact Centre on 136 186 for the relevant District Forest and Fire Manager.

## Access to land managed by Parks Victoria

Research conducted on public land managed by Parks Victoria may require an access agreement. Use the [pre-application checklist](#) to help determine if an access agreement is required. For further information visit [www.parks.vic.gov.au/get-into-nature/conservation-and-science/science-and-research/research-permits](http://www.parks.vic.gov.au/get-into-nature/conservation-and-science/science-and-research/research-permits).

Access agreements must be applied for from [www.parkconnect.vic.gov.au](http://www.parkconnect.vic.gov.au).

## Access to Reference Areas

Reference areas are public land of ecological interest and significance that are protected, controlled and managed so as to preserve the areas as a reference for the purpose of comparative studies. The Reference Areas Advisory Committee (RAAC), established under the *Reference Areas Act 1978*, advises the Minister for Environment and Climate Change on how these areas should be protected, controlled and managed.

Reference Areas can be located using Mapshare. Visit [www.vic.gov.au/research-permits](http://www.vic.gov.au/research-permits) to access Mapshare and instructions on how to locate Reference Areas.

If you are seeking to conduct research in a Reference Area, please indicate this in your research application. Your application will be provided to the secretariat of the RAAC for their consideration and who may request further information. Any research approved under the Wildlife Act or the FFG Act will require permission from the RAAC prior to commencement of the research activities and may include additional limitations or restrictions.

## Role of DELWP and Parks Victoria Authorised Officers

DELWP and Parks Victoria Authorised Officers are responsible for monitoring compliance with relevant environmental and land management laws including taking action against non-compliance with the law.

It is a standard condition on permits that you must show a DELWP or Parks Victoria Authorised Officer your research permit when asked and follow any direction of an Authorised Officer in relation to your permit. Failure to do so, or failure to abide by any other conditions of your permit is a breach of your research permit.

Breaches of a research permit may result in enforcement action including financial penalties. Any breaches may also be taken into consideration when assessing future research permit applications.

## Animal ethics approval

If your proposed research involves a scientific procedure, as defined by the [Prevention of Cruelty to Animals Act 1986](#) (POCTAA), prior approval from a licenced ethics committee must be obtained prior to submitting your application to the Conservation Regulator.

Scientific procedures (as defined under POCTAA) include -

- the use of microchips/PIT tags
- the use of tracking, data storage and telemetry devices
- trapping
- removal or collection of body tissues or fluids from living animals
- collection of biometric data such as body weight or measurement
- humane killing of wildlife for the purpose of data collection

# Guidance notes for research permit applicants

For further information on when animal ethics approval is required please visit [Animal Welfare Victoria – Activities requiring a licence](#). Please note that requirements may differ between animal ethics committees. It is recommended that you contact any animal ethics committee you are affiliated with to confirm application requirements.

Where animal ethics approval is required, your application for a research permit under the Wildlife Act must include both –

- the approval letter/email from an animal ethics committee showing the project title, number and expiry date of the project; and
- a copy of the animal ethics application that details the approved activities.

An application for a research permit will not be accepted until both documents are provided.

It is a standard condition of any Wildlife Act research permit that animals may only be subject to the scientific procedures approved by the animal ethics committee. A research permit may contain additional conditions in relation to wildlife.

The information provided in the animal ethics application and approval are reviewed prior to a Wildlife Act permit being issued to ensure that there is no conflict between the animal ethics approval and the wildlife research authorisation.

Note that Wildlife Act permits can be issued for a maximum of three years, however if your project requires animal ethics approval, the Conservation Regulator can only issue your permit until your animal ethics approval expiry date.

## Translocation of threatened wildlife

If you intend to translocate threatened wildlife you will need to obtain endorsement from the DELWP Threatened Fauna Translocation Evaluation Panel prior to submitting a Wildlife Act research permit. Applicants should factor in additional time for this requirement.

For further information visit [Translocation of wildlife](#).

## Marine mammals

The Wildlife (Marine Mammal) Regulations 2019 offer additional legislative protection for seals, dolphins and whales, including minimum distance requirements. For this reason, some research projects observing seals and cetaceans in the wild may require a permit where observations are closer than the minimum prescribed distances or occurring in defined whale sanctuary zones or at designated seal breeding colonies.

## Requirement to advertise cetacean research projects\*

The Wildlife Act states that a person applying for a research permit must invite public submissions via a public notice in a daily newspaper for any research involving interference with whales. Interference is defined under the Wildlife Act as chasing, herding, taking, marking or branding.

A submission period of no less than 28 days is required. Applicants will be provided a copy of the submissions and may respond to the Conservation Regulator about any issued raised. Any submissions received (including any response from the researcher) must be considered by the Conservation Regulator prior to issuing a permit.

A public notice is also required for the variation or renewal of any existing permit.

Researchers will be contacted by the Conservation Regulator once your application has been received to discuss the public notice and submission process.

Please note that it is the responsibility of the researcher to organise and pay the costs of the public notice.

Applicants should factor in additional time for the public submission requirement.

# Guidance notes for research permit applicants

## Import/Export permits

An export permit is required if you intend to transport wildlife out of Victoria to any other state or territory within Australia. An import permit is required if you intend to transport wildlife into Victoria from any other state or territory within Australia.

This is particularly relevant for translocation projects, and also includes the interstate transport of dead wildlife.

An Import or Export permit cannot be issued unless you hold a valid permit under the Wildlife Act allowing to possess, dispose and acquire the requested species. You may include your application for an Import/Export with your Research Permit if you have consignment dates, however these permits are only issued for 30 days from the date the application is approved.

You must inform DELWP when, where and how the wildlife will be transported as part of the application.

Permits are issued for 30 days commencing from date of issue. A separate permit is required for each consignment of wildlife. Applications for Import / Export permits are usually processed within 2 business days. For further information visit [import and export permits for Victorian wildlife](#).

## Protected flora

Protected flora are native plants that have legal protection under the *Flora and Fauna Guarantee Act 1988* (FFG Act). Research permits for protected flora are issued under section 48 of the FFG Act.

Protected flora includes the following:

- Plant taxa (species, subspecies or varieties) listed as threatened under the FFG Act
- Plant taxa belonging to communities listed as threatened under the FFG Act.
- Plant taxa listed which are not threatened but require protection for other reasons.

To determine if the flora species you intend to take is protected or threatened, the following steps are recommended:

1. Review the [threatened species list](#). This list was last updated in October 2021 and now includes most species from the DELWP Advisory List. The threatened species list also lists threatened flora communities. For further information see [descriptions of threatened flora communities](#).
2. If your species does not appear on the Threatened List, or within a Threatened community, check the [Protected Flora list](#).

## Protected flora permit exemptions

FFG Act permits are not required to take protected flora from private land for non-commercial purposes, however you must obtain landowner permission prior to doing so. A research permit is also not required if the flora has been lawfully propagated under an FFG permit or otherwise lawfully obtained (i.e. from another state or territory).

## Fungi and lichen

Although no longer scientifically classified as flora, the current FFG Protected List includes both fungi and lichen species.

## Listed fish

In Victoria, the taking, trading in and keeping of fish listed on the Threatened List is regulated under both the *Fisheries Act 1995* and the *Flora and Fauna Guarantee Act 1988*.

Some activities such as translocation and the capture and release of listed fish using equipment otherwise banned under the *Fisheries Act 1995* may require an additional permit from the Victorian Fisheries Authority. For further information, go to [www.vfa.vic.gov.au/commercial-fishing/permits](http://www.vfa.vic.gov.au/commercial-fishing/permits).

# Guidance notes for research permit applicants

## Definitions

### Wildlife definition

Section 3 of the Victorian *Wildlife Act 1975* defines “wildlife” as follows:

**wildlife** means –

- (a) any animal of a vertebrate taxon other than mankind which is indigenous to the whole or part or parts of Australia or its territories or territorial waters, whether or not it occurs elsewhere;
- (b) all kinds of deer, non-indigenous quail, pheasants, and partridges and any other taxon of animal which the Governor in Council by Order published in the Government Gazette declares to be wildlife for the purposes of this Act;
- (ba) any taxon of terrestrial invertebrate animal which is listed under the **Flora and Fauna Guarantee Act 1988**; and
- (c) any hybrids of a kind or taxon of animal specified in or pursuant to paragraphs (a) and (b) –

and except as is otherwise expressly provided in any such Order includes any such animal or any member of a taxon which is bred or kept in captivity or confinement but in Parts I to VI and Parts IX and XI does not include a whale within the meaning of section 75;

It is important to note that under the Act, wildlife includes:

- the following non-indigenous species: Chital deer, Hog Deer, Fallow Deer, Red Deer, Rusa Deer, Sambar Deer, Pheasants, Partridges, European and Japanese Quail and California Quail.
- all species that meet the definition of wildlife in any form, whether alive or dead, captive or wild.
- animal parts including the skin, pelage, plumage, fur, skeletal material, organs, blood, tissue and eggs (including any part of an egg). It does not include faecal samples.

The *Flora and Fauna Guarantee Act 1988* lists all threatened flora and fauna. These species are known as ‘listed’ species. Under the *Flora and Fauna Guarantee Act*, listed terrestrial invertebrates are wildlife. Researchers seeking access to these species should use the Wildlife Research application form.

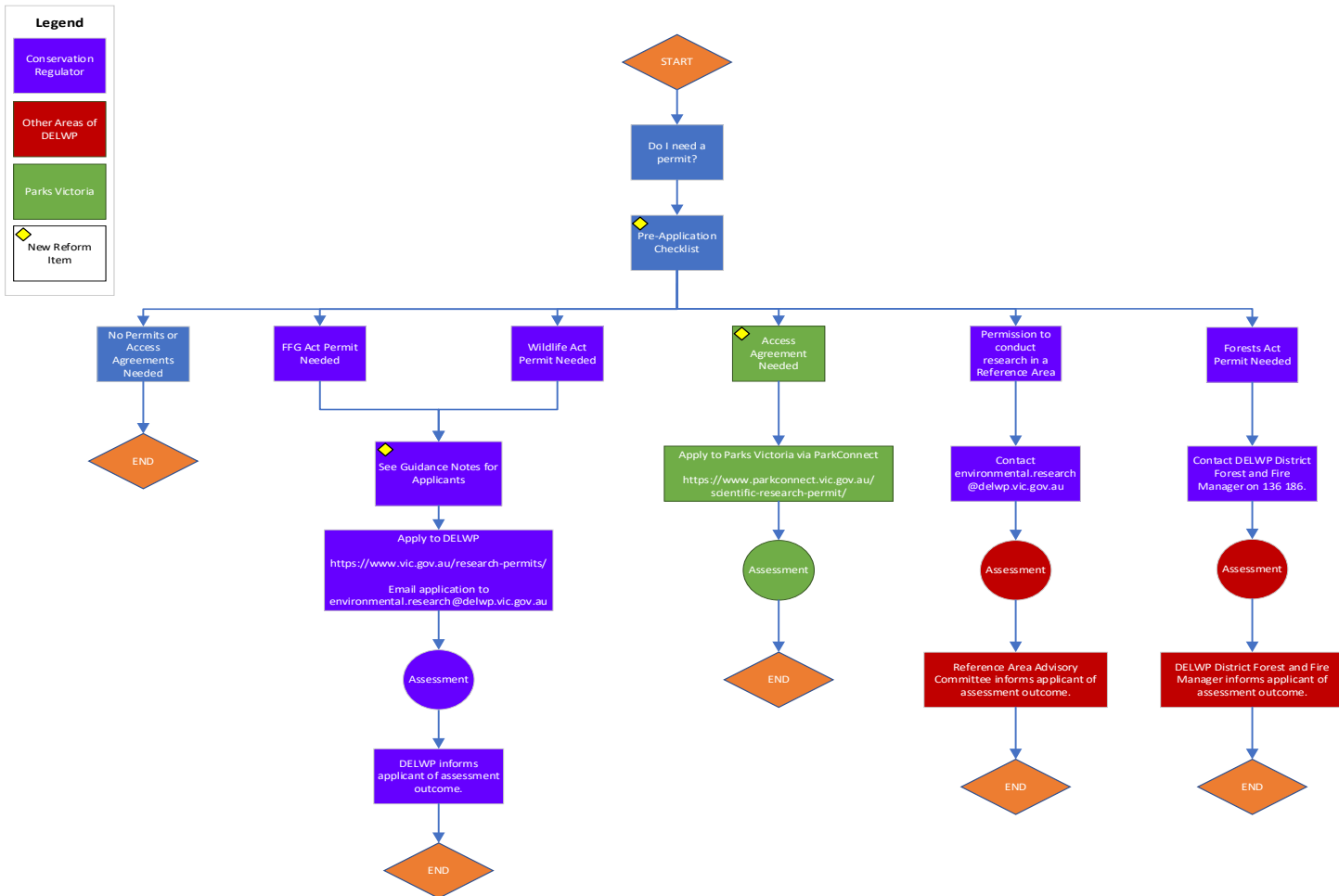
### Protected flora definition

Part 1 (3) of the *Flora and Fauna Guarantee Act 1988* defines Protected Flora as:

- (a) any flora that is a member of a taxon of flora that is declared to be protected under section 46; or
- (b) any flora that is a member of a listed taxon of flora; or
- (c) any flora that is a part or member of a listed community of flora or fauna to the extent that it occurs within that community.

# Guidance notes for research permit applicants

## Application Overview



# Guidance notes for research permit applicants

## Contact us

If you have further questions, please email at [environmental.research@delwp.vic.gov.au](mailto:environmental.research@delwp.vic.gov.au) or call 136 186 Monday to Friday, 8am to 6pm.

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