

Scientific Use Licences for environmental scientists in Western Australia – interim policy and frequently asked questions

Aim

This interim policy and frequently asked questions document aims to clarify the scientific licensing requirements for people and organisations undertaking scientific studies involving the use of fauna. This policy may be relevant to environmental consultants, universities, not-for profit research organisations, citizen science groups and voluntary organisations – referred to in this document as ‘environmental scientists’.

Background

Under Part 2 of the *Animal Welfare Act 2002* (AW Act), the Department of Primary Industries and Regional Development (DPIRD) Scientific Licensing Unit (SLU) requires any person or organisation that uses animals for scientific purposes to obtain a Scientific Use Licence and seek approval for their projects from an animal ethics committee (AEC).

The requirements in Part 2 have not changed since 2002. However, some environmental scientists have never sought a Scientific Use Licence, perhaps due to confusion with licensing requirements under the *Biodiversity Conservation Act 2016* (BC Act) administered by the Department of Biodiversity, Conservation and Attractions (DBCA). The BC Act and the AW Act regulate different matters. A person or organisation carrying out surveys and other studies on fauna may require a licence from **both** DPIRD and DBCA.

In consultation with DBCA, DPIRD is taking steps to improve the compliance of environmental scientists with Part 2 of the AW Act. Environmental scientists in Western Australia (WA) who are carrying out or intend to carry out scientific studies involving the use of fauna are required to apply to DPIRD for a licence by 1 July 2021 and must obtain AEC approval for their projects by 31 July 2022.

Relevant definitions

Animal means a live vertebrate or a live invertebrate of a prescribed kind, other than a human or a fish (as defined in the *Fish Resources Management Act 1994*).

Animal ethics committee means an animal ethics committee established by a scientific establishment in accordance with the *Australian code for the care and use of animals for scientific purposes 2013* (the Code)

Fauna has the meaning given in the *Biodiversity Conservation Act 2016* (section 5(1)).

Scientific establishment means a person who uses or whose staff or students use animals for scientific purposes.

Scientific purposes means acquiring, developing or demonstrating knowledge or techniques in a scientific discipline, other than in prescribed circumstances, and includes teaching, research, product development or testing and carrying out a prescribed activity. (No circumstances or activity have been prescribed at the date of this policy.)

Scientific use licence means a licence issued by DPIRD under Part 2 of the AW Act.

Policy

The type of activities that require a Scientific Use Licence under Part 2 depends on:

- whether the activity is being undertaken for a scientific purpose, and
- whether the activity involves the 'use' of animals.

When environmental scientists carry out surveys and other studies of fauna, these activities are normally regarded as being 'for scientific purposes'.

A decision on whether an animal is 'used' takes account of the actual physical intervention and, associated with the intervention, the potential impact on the animal's welfare. For example, in a study where birds are counted and identified from a distance without being disturbed, there is no physical intervention and negligible animal welfare impact: the birds are not regarded as being 'used'. In contrast, a study involving the capture of birds in nets for identification and banding involves physical intervention and there is potential for a significant animal welfare impact: the birds are regarded as being 'used'.

In consultation with DBCA and stakeholders, DPIRD has identified the following categories of scientific activity commonly undertaken by environmental scientists. It is important to note that not all activities fit neatly within the listed categories, and applications will be assessed on a case-by-case basis.

Activities that require a Scientific Use Licence

The following activities have a potential impact on animal welfare and will require a Scientific Use Licence:

1. Animal observation involving environmental manipulation or modification

Summary: The project causes direct or indirect disturbance to the habitat that would alter the behaviour of an animal and may affect its welfare.

Examples could include:

- cameras that involve the use of baits, lures, flash or any modification of the environment that causes disruption to the habitat

- call broadcast or playback **during the breeding season**. (Call broadcast or playback at other times of year may not require a Scientific Use Licence.)
- spotlighting at a location on a repetitive basis – e.g. on consecutive nights
- nest marking, nest excavation, egg counting
- active searching and animal tracking techniques such as burrow digging, rock turning, bark peeling, log splitting or other activity that causes disruption to the habitat
- surveys from the air, including the use unmanned aerial vehicles e.g. drones and remotely piloted vehicles
- monitoring or surveying of marine fauna at less than the minimum approach distances identified in the Biodiversity Conservation Regulations 2018.

2. Minor intervention – animal is conscious

Summary: A conscious animal is subject to minor procedures usually performed without sedation or analgesia. Any pain is minor but distress may occur due to trapping or handling.

Examples could include:

- injections, tagging, banding, tissue sampling, hair sampling, microchip or blood collection
- marking or tagging using a temporary method e.g. paint, external marker, trimming hair
- morphometric measurements (quantitative analysis of size and shape)
- placement of an external tracking device (e.g. collar) without sedation
- trapping or capture by hand, followed by release, as used in monitoring, surveys and analysis of impact on populations.

3. Minor intervention – animal is sedated

Summary: An animal is sedated in an appropriate manner, a minor procedure is carried out and the animal is allowed to recover.

Examples could include:

- placement of an internal tracking device (e.g. passive integrated transponder (PIT)) or external tracking device (e.g. collar) with sedation.

4. Procedures where animals are taken from the wild or held in captivity for any period of time

Summary: Animals are captured and held then released.

Examples could include:

- capture and holding overnight for species identification.

5. Death as the endpoint

Summary: This category applies to any project where the death of the animal is a planned part of the procedure. It does not include death by natural cause or accident, humane intervention or euthanasia.

6. Physiological challenge

Summary: This category involves the modification of an animal's physiological or psychological processes.

Examples could include:

- induction of metabolic disease.

7. Surgical intervention with anaesthesia

Summary: This category involves the conduct of a surgical procedure using anaesthesia and possibly analgesia.

Examples could include:

- intra-abdominal implantation of a device with anaesthesia.

8. The production of genetically modified animals

9. Humane euthanasia for collection of specimens

Activities that do not require a Scientific Use Licence

At this time, DPIRD is not enforcing the requirement for a Scientific Use Licence for the following activities:

1. Animal observation with no interaction

Summary: The project does not involve any interaction with target or other animals or any other activity that could pose a risk to the welfare of animals.

Examples could include:

- observing animals in their natural habitat
- recording population numbers using a method that does not disturb the animal in any way e.g. standing on a bridge counting birds on a lake. There is no close-range inspection
- using an ultrasound detector to identify the presence of wild bats
- aural surveys by day or night.

2. Animal observation with minimal interaction

Summary: The project may involve interaction with target or other animals. The project will not cause a direct or indirect disturbance to the habitat that would alter the behaviour of an animal or present a risk to its welfare.

Examples could include:

- projects that involve walking or driving in places to which people have general access such as tracks, roads or previously cleared areas
- the use of off-animal audio recording units (ARU)
- the use of daytime cameras or video recording devices that do not involve use of a flash, bait or lure and are not placed in close proximity to sensitive areas such as breeding or roosting sites. No modification of habitat is involved
- collection of scats or shed feathers
- searching for and recording animal tracks or other signs
- daytime surveys, such as bird census
- call broadcast or playback outside the breeding season
- spotlighting on an ad hoc basis.

Frequently asked questions

1. What is the Scientific Licensing Unit?

The Scientific Licensing Unit (SLU) is a work group of **the Department of Primary Industries and Regional Development (DPIRD)**. DPIRD is responsible for supporting the Minister for Agriculture and Food in the administration and enforcement of the *Animal Welfare Act 2002* (AW Act). Part 2 of the AW Act regulates the use of animals for scientific purposes in Western Australia (WA).

2. What is a *licence to use animals for scientific purposes* (also known as **DPIRD Scientific Use Licence**)?

A DPIRD Scientific Use Licence is issued under Part 2 of the AW Act. Part 2 regulates the protection, welfare, safety and health of animals and ensures the proper and humane care and management of animals used for scientific purposes.

The use of animals for scientific purposes is governed by the principles and ethical framework in the National Health and Medical Research Council (NHMRC) *Australian Code for the Care of Animals for Scientific Purposes* (the Code).

The DPIRD Scientific Use Licence sets out conditions to help licensees:

- maintain compliance with the Act and the Scientific Use Code and
- ensure the welfare, safety and health of animals is adequately protected.

A [list of the current licence conditions](#) is available online. This includes requirements to report on animal use and, for Animal Ethics Committees, a four yearly independent external review.

3. Why are we only now being asked to hold a **DPIRD Scientific Use Licence**?

The requirement to hold a DPIRD Scientific Use Licence is of long standing. There may have been some confusion about the difference between requirements under the AW Act and authorisations/permits issued under *Biodiversity Conservation Act 2016* (BC Act) administered by the Department of Biodiversity, Conservation and Attractions (DBCA). Many environmental scientists have assumed they only need to obtain permits and licences under the BC Act for their activities. However, all people and organisations who use animals for scientific purposes are required to comply with provisions in the AW Act, including Part 2 (Scientific Licensing).

4. What is the difference between a **Scientific Use Licence issued by DPIRD under the AW Act** and **licences issued by DBCA under the BC Act**?

Under the BC Act, DBCA is responsible for issuing licences and permits that regulate the taking or disturbance of native fauna (for example, the Fauna Taking (biological assessment) and Fauna Taking (scientific or other purposes) licences). The purpose of these licences/permits is to regulate the use of native fauna in accordance with the BC Act.

The BC Act does not regulate the welfare of animals used for scientific purposes.

Information on the requirements of the BC Act may be found at <https://www.dpaw.wa.gov.au/plants-and-animals/licences-and-authorities>.

5. Who requires a DPIRD Scientific Use Licence?

Part 2 of the AW Act requires any person, establishment or organisation proposing to use animals for scientific purposes in WA to obtain a DPIRD Scientific Use Licence and seek associated animal ethics committee approval to conduct such activities.

Please refer to the [policy section](#) of this document for guidance around which activities require a Scientific Use Licence.

If you are not sure whether your proposed animal use requires a DPIRD Scientific Use Licence, please contact the SLU via scientific.licensing@dpiird.wa.gov.au.

6. Can my environmental studies projects be conducted under a DPIRD Scientific Use Licence held by another scientific establishment?

Yes, you can choose to either apply for your own independent licence or arrange to conduct your proposed activities under a DPIRD Scientific Use Licence held by another scientific establishment. This is more appropriate if you are already affiliated with that establishment under existing working arrangements.

Upon request, DPIRD will send you an extract of the Register of Licensees. Please contact scientific.licensing@dpiird.wa.gov.au if you would like to receive this information.

7. How do I apply for a DPIRD Scientific Use Licence?

Please refer to the [application guide](#) for instructions on how to apply for a Scientific Use Licence and AEC approval to undertake activities involving the use of animals for scientific purposes. All forms required to complete an application are available in the 'Documents' links on the webpage.

The prescribed fee for a DPIRD Scientific Use Licence is \$100 per year. All licences expire on 31 December. Licences may be issued for one, two or three years. On your payment form to be attached with the application form, you should indicate the period of time for which you wish to hold the Scientific Use Licence.

Complete applications should be submitted to scientific.licensing@dpiird.wa.gov.au. Processing time is generally four weeks for new applications.

8. Where can I find an Animal Ethics Committee (AEC) in WA?

WA does not have a public-access community AEC but DPIRD is considering arrangements to address this need in future.

To access an AEC, an applicant may choose to:

- establish his/her own AEC
- establish an AEC that would be shared by a group of similar institutions or
- approach an institution (in WA or another jurisdiction) with an existing AEC.

Many larger institutions licensed in WA have an established AEC. If applicants wish to use an AEC at an institution, they should contact the institution or the AEC directly. Fees may apply.

You must engage with an AEC before completing an application for a DPIRD Scientific Use Licence. If you wish to use an AEC at another institution, you must develop a formal written agreement in consultation with the Institution and the AEC. A copy of this agreement must be provided in the application (see [application guide](#) for a licence and AEC approval).

To obtain an extract of the Register of Licensees that hold a DPIRD Scientific Use Licence, please email scientific.licensing@dpiird.wa.gov.au.

9. Can I use an Animal Ethics Committee from another Australian jurisdiction?

Yes, DPIRD allows applicants to use an AEC in another jurisdiction providing the AEC operates in accordance with the Code.

Please direct your questions about Scientific Licensing requirements to the Registrar of Scientific Licences (email scientific.licensing@dpiird.wa.gov.au).

10. When do I need to apply for a licence and seek AEC approval?

Environmental scientists in WA who are not currently licensed by DPIRD under the AW Act will be required to apply to DPIRD for a licence by 1 July 2021, and must obtain AEC approval for their projects by 31 July 2022.

11. Do I need to cease my current projects or delay commencing any planned projects if I do not currently have a Scientific Use Licence and AEC approval?

As a transitional measure, DPIRD will not require current and planned environmental studies projects to cease or be delayed while applications are being received and processed, however environmental scientists must seek a Scientific Use Licence by 1 July 2021 and AEC approvals by 31 July 2022. Any person, including an environmental scientist, must continue to meet their animal welfare responsibilities as set out in Part 3 of the AW Act.

Important disclaimer

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