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Agriculture, Resources and Environment  
Committee  
Parliament House  
Brisbane Qld 4000

25 September 2012

Dear Sir\Madam

**Re: Submission to Land Protection Legislation (Flying-fox Control) Amendment Bill 2012**

I would like to thank the Committee for the opportunity to provide comment. Interpretation of the Bill has identified a number of concerns and potential implications for both Council and the community which are detailed below.

It would appear that the Amendment Bill may create a potentially greater conflict the urban residents as the majority of flying fox issues are within the urban area, and this change will unfortunately place a greater expectation on local governments to manage flying fox issues raised by the public.

Council is strongly of the view that State Government should remain the lead role in flying fox management as this will ensure a uniform approach to flying fox management across all local governments. If the responsibility is placed on local governments, then different actions may be undertaken against flying fox's within each local authority, again creating possible conflict between not only the public but also local governments.

Implications for the community:

The Land Protection Legislation (Flying-fox Control) Amendment Bill removes important State legislative protection for flying foxes and flying fox habitat. Application of the Bill is subjective and may create unreasonable expectations and confusion for land owners and the general public. A landholder must first establish if there is a risk of disease or harm to a resident or stock.

For the community, confusion and or unnecessary and uncontrolled actions against flying foxes may lead to a wide range of circumstances which would appear to contradict the purpose of the Bill. Some of these include:

- dispersal of flying foxes into other urban areas and the creation of new urban colonies
- conflict with residents not previously exposed to flying fox colonies
- potential increased exposure of the public to disease risk.
- expectation on landholders to fund the removal of dead animals and cleared vegetation
- community angst and confusion on rights and responsibilities and neighbourhood disputes where adjoining landholders have differing views on flying foxes
- disturbance and destruction of urban vegetation

A land owner is also expected to correctly identify if the species is protected under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC). Any action to destroy or move an animal or their habitat will require further assessment under the Commonwealth legislation. This can be a relatively complex and costly approach, and will be difficult for individual landholders to comply with. This also creates confusion between the respective intents of the State and Commonwealth legislation.

#### Implications for Council:

The Bill appears to place Local Government at the centre of a community driven flying fox control program. Of particular concern are the expectations placed upon Local Government with additional budget and resource requirements necessary in the areas of community education, public health, compliance action, legislative approvals, and land and pest management.

For Council, this will necessitate increased resources to administer and comply with the changes in legislation, including:

- developing and implementing a community education program
- increased requests for Waste Services to collect and dispose of dead flying foxes from public property
- community requests for Council to fund and undertake action to destroy flying foxes and or their habitat on Council owned or managed land
- requests from the Minister for Council to fund and undertake action to destroy flying foxes and or their habitat on Council owned or managed land
- increased incidence of community conflict and disputes for flying fox management
- increased requirement to monitor and assess flying fox colonies for population size, population site history and level of community risk (traditionally a State and Federal Government role and very resource intensive and costly)
- potential increased exposure of Council staff to disease risk

Where flying foxes are protected under Commonwealth legislation, such as the Grey-headed Flying Fox, Council would be required to fund and obtain an approval under the EPBC Act. This would require additional budget considerations for Council to fund the application, cover the cost of meeting the set conditions, and possible offset requirements.

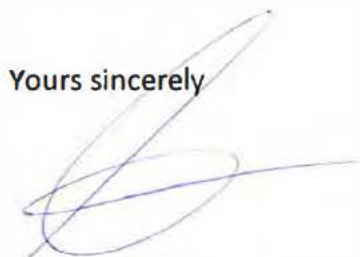
Explanatory Notes indicate the Bill devolves to Local Government the powers to protect residents from flying foxes roosting on land under their administration. This suggests that Council may also be expected to assist the public to seek and fund Commonwealth approval for actions against flying foxes on private property.

Flying-fox biology:

In urban and peri urban settings such as Ipswich City Council flying foxes are generally resident in a number of small, established colonies. Past studies have clearly identified strong links between destruction of these habitats and dispersal of flying foxes into other urban areas leading to greater levels of community conflict. This science suggests the Bill cannot achieve its intent in heavily populated areas such as southeast Queensland and will likely lead to an increase in conflict between flying foxes and the community.

I trust the Committee will give these matters due consideration and look forward to a favourable outcome.

Yours sincerely



Craig Maudsley

**CHIEF OPERATING OFFICER (WORKS, PARKS AND RECREATION)**