

CHARTERS TOWERS REGIONAL COUNCIL*Exceptional Service for an Exceptional Community*

26th September 2012

Our Ref: 672434
File Ref: 08/MON/08
Enquiries: Mic LangburneAgriculture, Resources and Environment Committee
Parliament House
BRISBANE QLD 4001

Dear Sir/Madam

Re: Flying Fox Submission – Land Protection (Flying-fox Control) Amendment Bill 2012Background

Two species of flying-fox inhabit Charters Towers: the resident Black flying-fox (*Pteropus alecto*) and the migratory Little Red flying-fox (*Pteropus Scapulatus*); currently both protected species under Queensland's *Nature Conservation Act 1992*.

Under the above legislation, the only avenue available to Council to disturb a flying-fox colony is to apply for a Damage Mitigation Permit under the *Nature Conservation (Administration) Regulation 2006*. If successful, a permit is issued subject to a number of restrictive conditions.

Council Concerns

Council proposes that to proceed toward effective and sustainable flying-fox management, a balance should be reached between the highly prescriptive current legislation and the complete de-regulation proposed by the *Land Protection Legislation (Flying-fox Control) Amendment Bill 2012* (the Bill).

The main concern arises in relation to section 96C, where Council must establish under an objective test that there is a reasonable belief that the removal or destruction of a flying-fox is necessary to reduce the risk of disease or harm. Whilst being beneficial to an individual's right to destroy or drive away a flying-fox, Council may be subject to a higher standard of proof in establishing a reasonable belief when one considers policy considerations provided by Biosecurity Queensland.

From its research, Biosecurity Queensland has advised that flying foxes, whilst being a potential nuisance to a community, do not pose a direct threat to human health. Although Council is agreeable to the provisions of section 96C(3), which sets out the elements to be satisfied before proceeding with action against a flying-fox colony, due to the position of Biosecurity Queensland, Council may be unable to prove that potential actions will not reduce the risk of disease or harm, as no perceived risks can be established. Therefore, Council will be prevented from proceeding under section 96C(3), in deciding whether action under subsection (2) is necessary.

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Conversely, if the Minister believes that a reasonable belief can be established, and Council has not acted upon that reasonable belief, under section 96C(4) the Minister may direct a local government to take action. This may result in the imposition of a significant burden upon Council's resources without specific limitation to what action or costs may be associated with the Minister's direction.

Other

- 'The Bill' is not accompanied with adequate research, highlighting the potential benefits or positive outcomes associated with the implementation of the Bill.
- The *Animal Care and Protection Act 2001*, legislates upon the humane destruction of all animals. To monitor potential complaints across the whole of Queensland has the potential to push enforcement agencies beyond their limits.
- There is a concern from the Queensland Centre for Emerging Infectious Disease (QCEID) that stresses associated with relocation activities may alter the Hendra Virus Excretion Levels, and attribute to the spread of more disease.

Conclusion

The proposed *Land Protection (Flying-fox Control) Amendment Bill 2012* in its current form has the potential to place a significant burden on Council in terms of costs and resources, especially considering the size of our Council area.

One of the limitations of the current legislation and associated Damage Mitigation Permits is restrictions imposed to prevent the disturbance of flying-foxes with helicopters, as well as the inability to prune trees with a 40 metre radius of vegetation inhabited by flying-foxes. Council suggests a further amendment to current legislation to include alternative methods of effective disbursal and sustainable vegetation management.

On balance however, Council is concerned by the potential negative and undue impacts upon Council, the lack of research accompanying the Bill, or sufficient guidelines to ensure consistent implementation of the amended Act.

Yours faithfully



GT King
Acting Chief Executive Officer