



When Contacting Council please ask for
Health, Building & Environment
Tel: 07 5540 5444
Ref: JC:aw
File: 14/01/02

82 Brisbane Street
PO Box 25
BEAUDESERT QLD 4285

Tel 07 5540 5111
Fax 07 5540 5103

mail@scenicrim.qld.gov.au
www.scenicrim.qld.gov.au

ABN: 45 596 234 931

27 September 2012

Agriculture, Resources and Environment Committee
Parliament House
BRISBANE QLD 4000

Dear Sir/Madam

Scenic Rim Regional Council submission to the Agriculture, Resources and Environment Committee - *Land Protection Legislation (Flying-fox Control) Amendment Bill 2012*

The Scenic Rim Regional Council wishes to thank the Agriculture, Resources and Environment Committee for the opportunity to make a submission with regard to the *Land Protection Legislation (Flying-fox Control) Amendment Bill 2012*.

Please accept the enclosed submission on the Bill.

For further information on this matter, please contact John Carleton, Council's Coordinator Health and Environment on 07 5540 5444.

Yours Faithfully

A handwritten signature in black ink, appearing to read "T. Magnier", written over a light blue circular stamp.

T Magnier
ACTING CHIEF EXECUTIVE OFFICER

Encl

10/10/12

**SCENIC RIM REGIONAL COUNCIL SUBMISSION TO THE AGRICULTURE,
RESOURCES AND ENVIRONMENT COMMITTEE ON THE LAND PROTECTION
(FLYING-FOX CONTROL) AMENDMENT BILL 2012**

Contact Officer: John Carleton, Coordinator Health and Environment Telephone: 07 5540 5444 Email: john.ca@scenicrim.qld.gov.au

General Comments

The proposed *Land Protection (Flying-fox Control) Amendment Bill 2012* imposes potential significant obligations, social and economic burdens and costs on land owners.

The Bill potentially conflicts with other legislation including Commonwealth legislation such as the *Environment Protection and Biodiversity Conservation Act 1999*, which protects specific flying fox species.

The Bill is not accompanied nor references thorough research or sufficient guidelines to ensure implementation of the Act is consistent; risk based and will achieve positive cost-benefit and health outcomes.

Flying foxes are complex, highly social and mobile native animals. They make a significant contribution to environmental health and the economy through their role as essential pollinators and seed dispersers for native forest. In turn, these forests provide valuable timber, act as carbon sinks, habitat for biodiversity, and stabilise our river systems and water catchments. Their contribution to industry through insect control and pollination is significant.

The following additional comments are provided with respect to the draft Bill.

Part 11

96A Definitions

- Flying-foxes are transient animals, show strong fidelity to camp sites and are often extremely resistant to relocation efforts listed above and would likely come back to the roost site. Removal of vegetation following dispersal is a more permanent and drastic option again - one that not only runs the distinct risk of stressing the colonies, but impacts on other controls eg. vegetation protection legislation;
- Dispersing flying foxes in one location could simply move the problem to another location, with potentially greater impacts;
- There is no scientific study or research to justify this amendment.

96C (1) (2)

- Flying foxes have not been shown to directly transmit Hendra virus to humans but it is acknowledged infected flying foxes can pass the virus to horses, which in turn can transmit the virus to humans through close contact with secretions from an infected horse. Observations by Bio-security Queensland indicate there are more effective actions to mitigate potential health impacts from flying fox colonies.
- Dispersing or culling flying foxes and generally stressing colonies could worsen the problem. Queensland Centre for Emerging Infectious Diseases scientists are currently investigating whether dispersal and/or any associated stress may change Hendra virus excretion levels (Reference: Queensland Government - Agriculture, Forestry & Fisheries web site).
- The ecology of flying foxes means that relocation or destruction of roost sites is difficult to accomplish. Where this action has been taken, the issue is exacerbated by improperly conceived and thought through attempts to disperse or destroy the flying

- foxes. Often they disperse and roost throughout nearby areas potentially causing greater impacts upon residents.
- The legislation confers a level of responsibility on the landowner to determine if they 'reasonably believe' the flying fox is carrying a disease or not. It is not clear in the proposed amendment how a landowner has the knowledge or is to determine how to make such a decision.
 - Issues arise with the Queensland Bill differing from other state bills e.g. New South Wales which could result in different wildlife management practices adopted across adjoining borders.
 - Some species of flying foxes are protected under the Commonwealth; therefore taking action may require an approval under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBCA). Measures to control flying foxes under the proposed amendment may be inconsistent with measures of the EPBCA
 - There is potential for public outcry, particularly given the high visibility to nearby residents who may not feel affected by the colony.
 - Animal welfare issues and public outcry will arise if landowners and local governments are allowed to 'destroy' flying foxes and flying fox roost sites.
 - Landowner attempts to disperse a flying fox colony may increase the risk to human health as a result of closer contact and a potential to be bitten by stressed flying foxes.

96C(3)

- Provisions to control wildlife should apply equally to all land managers and be a regulated activity requiring approval once specific assessment criteria has been satisfactorily addressed.
- A permit system and associated assessments for the control of flying foxes should be administered by the State Government and not devolved to local government. A permit system would require land owners/managers (including local governments) to apply for a permit for mitigation activities. The assessment of the application by suitability-qualified officers would prevent unnecessary and ineffective control measures being undertaken.
- A local government's jurisdiction can span more than one bioregion, which may affect the habitation and location characteristics of flying foxes. Determining the number of flying foxes in an area can involve considerable monitoring and additional cost to the local government. Furthermore, the quantity of flying foxes in a local government area is irrelevant when determining risk at a single roost site. Flying foxes are endemic to local government areas and a case for removal may be established where the roost is a recent.

96C (4)

- There are concerns with the Minister having authority to direct local governments on land management including dispersal techniques. The specialist techniques themselves, necessary for any dispersal of flying fox colonies, involve considerable resources and effort. An onerous level of responsibility and liability would be placed on Council to undertake such work.
- Where a Minister directs a local government to carry out specific action such as dispersal of flying fox colonies, then the State should be accountable for the costs incurred by local government.

Advice from Biosecurity Queensland indicates that unauthorised attempts to disturb flying fox colonies have been ineffective. It stated that actively limiting flying fox numbers is not an effective way to reduce Hendra Virus risk for the following reasons:

- flying foxes are an important part of our natural environment;

- flying foxes are widespread in Australia and, as they are highly mobile, it is not feasible to cull them;
- dispersing flying foxes in one location could simply transfer the issue to another location; and
- there are far more effective steps people can take to reduce the risk of Hendra virus infection in horses and humans.

Conclusion

All flying fox species are currently protected under Queensland's *Nature Conservation Act 1992* and Black and Grey-headed flying foxes are considered to be a priority species in South East Queensland. Across Australia, the Grey-headed flying fox population has dropped by one third in the last ten years, the species is listed as vulnerable under the *Environment Protection and Biodiversity Protection Act 1999* and a National Recovery Plan has recently been drafted.

Flying foxes are complex, highly social and mobile native animals. They make a significant contribution to environmental health and the economy through their role as essential pollinators and seed dispersers for native forest. In turn, these forests provide valuable timber, act as carbon sinks, habitat for biodiversity, and stabilise our river systems and water catchments. Their contribution to industry through insect control and pollination is significant.

Scenic Rim Regional Council recognises that at times the horse and horticultural industries and elements of the community in general have had reason to be concerned with flying foxes and their connection to Hendra Virus in particular.

The State Government should provide technical advice and support to landowners and local governments with regard to flying fox control methodologies.

This submission provides comment and raises key concerns of the *Land Protection (Flying-fox Control) Amendment Bill 2012* in its current form. It is considered that the Bill will negatively and unduly impact on land owners, the local flying-fox population and our natural environment.

