

LAND PROTECTION LEGISLATION (FLYING FOX CONTROL) AMENDMENT BILL 2012

A submission to the Agriculture, Resources and Environment Committee
– September 2012

This Act to amend Land Protection Legislation will permit landowners to remove or destroy flying foxes. This amendment would override the Nature Conservation Act, EPBC and the Animal Care and Protection Act.

The purpose of this amendment is stated as “to control the health risks posed by flying foxes”. In summary it permits a landowner to destroy or drive away (examples of ways using sound, light, smoke, electric current or chemicals) a flying fox or flying fox roost if the landowner reasonably believes that the removal or destruction of a flying fox is necessary to reduce the risk of disease or harm to a resident of the local government area or stock in the local government area.

In effect this would permit a landowner to kill by any method or inflict any form of cruelty on any number of flying foxes without any actual justification, because it would not be necessary to demonstrate a real risk to themselves or their stock, they merely have to reasonably believe that their action will reduce the risk to another resident or stock in their local government area.

The supposed purpose of this act is to reduce the health risks posed by flying foxes. This is based on false assertions and demonstrates the poor research and low level of scientific knowledge of this bill’s proponent. Let’s look at some facts about health risks of flying foxes. Flying foxes have been associated with two zoonotic diseases, Lyssavirus and Hendra virus.

Lyssavirus - is a rare disease carried by less than 1% of wild bats only 2 cases of bat to human transmission have been recorded since 1994. It is necessary to have direct contact through a bite or a scratch, no human cases have been reported since routine post exposure vaccine. No cases have been detected in other animals and there is no risk from bats urine, faeces or proximity to flying fox roosts.

Hendra Virus – a varying proportion of flying foxes can host Hendra virus. There is no risk of people catching Hendra from bats or from people with Hendra, people only catch Hendra from close contact with the secretions of an infected horse. The transmission of Hendra virus to horses is a rare event;

it is not yet known how the virus gets from bats to horses. It is not a particularly contagious disease, close contact with blood or mucus from the infected animal is necessary for transmission. Since 1994 7 people have contacted Hendra virus of which 4 people died. All those contracting the disease were closely exposed to secretions from infected horses, not all those exposed to secretions from infected horses contracted the disease. It is believed that a Hendra vaccine is almost ready and the use of personal protection equipment by vets and horse owners has further reduced an already very low risk to humans.

The real health risks of bats are extremely low – however the persecution and attempted extermination of bats proposed by this bill will increase the risk. Stressing, injuring and scattering the animals will weaken them and suppress their immune systems thereby making them more susceptible to diseases, disturbing the roosts will spread the bat population more widely. Therefore this Act which purports to reduce the health risk will actually increase it.

In addition more stressed, starving and injured bats will be forced by weakness or injury close to the ground where there is more chance of them coming in contact with people who are trying to either kill and injure the animals or to assist them.

There is also the issue that methods of destroying flying foxes such as poisoning or electrocution are not species specific and this amendment will in reality allow people to kill or disturb any species wildlife on their property or backyard with impunity from animal cruelty or environmental laws by using the excuse that they are trying to destroy flying foxes.

By permitting and in fact encouraging animal cruelty which is unethical, inconsistent with modern community norms and Australian law this bill would promote considerable disharmony among neighbours and within communities.

This bill disempowers local government, it gives landowners the right to act as vigilante, de facto council officers without any control or accountability, since they are authorised to act supposedly to remove a perceived risk not to themselves but to a resident or stock in the local government area. It also transfers local government authority over its own property to the state minister.

This proposed bill that purports to reduce a health risk is certainly not based on science nor have its implications upon the environment, animal welfare, other wildlife species and the community been considered.

The premise which forms the basis of this bill is fundamentally flawed and demonstrably false. If implemented it would increase rather than decrease the health risks as well as having negative consequences for other wildlife species and for community relations.

This bill is unjustified, unethical, unscientific, unacceptable and poorly researched and should be totally rejected.

Nadia O'Carroll

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