

27 September 2012

Agriculture, Resources and Environment Committee
Parliament House
Brisbane Qld 4000

SUBMISSION TO THE LAND PROTECTION (FLYING-FOX CONTROL) AMENDMENT BILL 2012

Submission Overview

The proposed *Land Protection (Flying fox Control) Amendment Bill 2012 (The Bill)* imposes potential significant obligations and costs on landowners which includes Redland City Council (RCC).

The Bill imparts a level of responsibility onto the landowner to determine if they 'reasonable believe' the flying-fox is carrying disease or not.

The Bill potentially conflicts with other legislation including the *Environment Protection and Biodiversity Protection Act 1999* and *Nature Conservation Act 1992* which protects specific flying fox species and roost sites.

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

With respect to the draft Bill, the following additional comments are provided.

Proposed Amendment of *Land Protection (Pest and Stock Route Management) Act 2002*

Insertion on new Chapter 2, Part 11

96A Definitions

- Flying-foxes are social animals usually living in large roosts—as small as a dozen animals but sometimes numbering in the tens or hundreds of thousands
- Roosts are often semi-permanent, sometimes dispersing seasonally or when food is no longer available nearby, or when an area is overtaken by the impacts of encroaching development.
- Permanently relocating a roost of flying-foxes can be extremely difficult, if not impossible, because the animals often return as they show strong fidelity to roost sites¹
- Removal of vegetation following dispersal is a more permanent and drastic option, that not only runs the high risk of stressing the colonies², but impacts on other species cohabiting the roost site.
- Removal of vegetation would conflict with other local, state or commonwealth vegetation protection legislation.

¹ Virus hosted by flying foxes http://www.dalff.qld.gov.au/4790_15093.htm

² What is Hendra Virus? http://www.daff.qld.gov.au/4790_15093.htm

- Dispersing flying foxes in one location simply moves the problem to another location, with potentially greater impacts.
- There is no scientific study or research to justify this amendment.

96C (1) (2) (3) (4)

- The legislation confers a level of responsibility on the landowner, including Councils to determine if they 'reasonably believe' the flying fox is carrying a disease or not. This places a high level of responsibility on landowners to expertly identify if the flying fox is carrying the disease.
- There are two known diseases that flying foxes have that potentially impacts on residents – Australian Bat Lyssivirus and Hendra Virus.
- Transmission of Lyssivirus is thought to be by a scratch or bit, or by being exposed to bat saliva through mucous membrane exposure. Experience with other closely related viruses, suggests that contact or exposure to bat faeces, urine or blood do not pose a risk of exposure to Lyssivirus, nor do living, playing or walking near bat roosting areas.³
- Although Hendra virus infection occurs naturally in flying foxes, the virus has not been shown to directly transmit Hendra virus to humans. 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. The infections are rare, which indicates that transmissions may only occur under very specific and extreme conditions.
- Dispersing or culling flying foxes and generally stressing colonies is not an effective Hendra virus risk management strategy, because flying foxes continually move from one colony to another. Dispersal or culling is also likely to could worsen the problem.⁴
- Some species of flying foxes are protected under the Commonwealth and therefore taking action may require an approval under the *Environment Protection and Biodiversity Conservation Act 1999*.
- The Principles of Pest Management for land as identified in Chapter 2 Part 1 Section 9 of the *Land Protection (Pest and Stock Route Management) Act 2002* must be based on ecologically and socially responsible pest management practices that protect the environment and the productive capacity of natural resources. The proposed Bill goes against the principles of the *Land Protection (Pest and Stock Route Management) Act 2002*. Public outcry will arise if landowners and local governments are allowed to 'destroy' flying foxes and flying fox roost sites.
- 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. Biosecurity Queensland indicates that unauthorised attempts to

³ Bats and Human Health.

http://access.health.qld.gov.au/hid/InfectionsandParasites/ViralInfections/batsAndHumanHealth_is.asp

⁴ Management of flying fox colonies in urban areas. http://www.ehp.qld.gov.au/wildlife/livingwith/flyingfoxes/roost-management.html/#managing_urban_flying_fox_colonies

disturb flying fox colonies have been ineffective. They have stated that actively limiting flying fox numbers is not an effective way to reduce Hendra Virus risk.⁵

In conclusion, it should be recognised that all flying fox species and roost sites are currently protected under Queensland's *Nature Conservation Act 1992* with some species listed as vulnerable under the *Environment Protection and Biodiversity Protection Act 1999*.

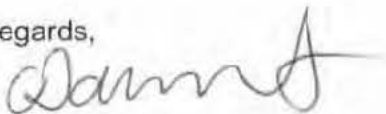
Flying foxes are complex, highly social and mobile native animals. They are identified as a keystone species which play a critical role in contributing to environmental health and the economy through their role as essential pollinators and seed dispersers for native forest. In turn, these forests act as carbon sinks, habitat for biodiversity, and stabilise our creek systems and water catchments.

It is recognised 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. Continual promotion of information to the community on flying foxes will be required from all levels of government, research institutes and environmental community groups.

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 landowners including RCC, the flying fox population and our natural environment. It is recommended that the:

- Queensland Parliament rejects the *Land Protection (Flying-fox Control) Amendment Bill 2012*
- Queensland Government continues to research Hendra and Australian Bat Lyssavirus causes and increase community education in relation to flying-fox conservation and human health

Regards,



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⁵ Living with flying foxes (2010) DERM and Australasian Bat Society Fact Sheet.
<http://www.health.qld.gov.au/ph/documents/cdb/livingwithflyingfoxes.pdf>