



Speech by

**Rachel Nolan**

**MEMBER FOR IPSWICH**

Hansard Thursday, 1 November 2007

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## **ENVIRONMENTAL PROTECTION AND OTHER LEGISLATION AMENDMENT BILL**

**Ms NOLAN** (Ipswich—ALP) (4.15 pm): It is good to know that the Queensland parliament never misses an opportunity to talk long and deeply about bats. Indeed, today I am going to do that too. The Environmental Protection and Other Legislation Amendment Bill makes a number of technical amendments to a range of bills dealing with environmental protection, exotic pests and other things. Indeed, as you said in your contribution, Mr Deputy Speaker, it clarifies the roles of the EPA and local government on a range of issues. But, as I said, I do want to talk specifically about bats.

Like a number of other members, I have a large flying fox colony in the heart of my electorate. The one that is in Ipswich is in the suburb of Woodend. It is in a big bushland gully that adjoins the Bremer River and is surrounded on three sides by residential areas—by people's houses. The flying fox colony has been there for we think probably about 30 years. We think it came up around the time of the 1974 flood, although it is hard to say specifically. Over that time, the extent of the impact it has had on neighbouring residents has varied. When it was first established, it was down the lower end of the gully in bushland near the river, so the impact it had on neighbouring residents was not as substantial as today.

The local community is fundamentally divided in their attitude towards the flying fox colony. Some people like it being there. They like the bushland and they like the sense that they live close to this native wildlife. Other residents of Woodend absolutely hate the flying foxes. They find them noisy, smelly and generally annoying. They worry about the damage that they do in some cases to the trees and they would very much prefer that this flying fox colony was not there. For those people, I have enormous sympathy, particularly for those people who moved into the area when the flying fox colony was not higher up the gully around their houses—that is, when it was further down the gully and not in a place where they expected to be impacted by it.

The government in conjunction with the Ipswich City Council has been trying to manage the Woodend flying fox colony certainly for longer than the seven years that I have been the member for Ipswich. This is a task that is difficult for two fundamental reasons. The more minor reason is that responsibility for flying foxes is split across three levels of government. Some species are endangered and as such are protected under the Environment Protection and Biodiversity Conservation Act—that is, federal law. In the case of this colony, one part of it is on a state government reserve—

**Ms Jones** interjected.

**Mr Messenger** interjected.

**Mr DEPUTY SPEAKER** (Mr English): Order! If honourable members wish to prosecute their own argument, please do so outside. The member for Ipswich has the call.

**Ms NOLAN:** The other part of this colony is on council owned reserves. So there is a fundamental complexity that responsibility for this colony lies across three levels of government.

Much harder than that, though, is the fact that while it is easy for the residents who do not like the bats to say we should simply move them on, that is something that has been proven over time in a range of places to be much harder than it would seem. I have looked into this issue in detail over time, and the advice that I have had is that the Melbourne Royal Botanic Gardens is the only place that has successfully moved on a colony of flying foxes. The only problem with that is that it does not have a lot of neighbouring residents and the effect of moving on the flying foxes has been achieved by making loud noise every morning for months and months and months when the bats try to return to their roosts. It has not been achieved by moving them on once and them finding another place to live and that being the end of it. They have been moved on because every morning when they try to return to their roosts they are scared away.

Unfortunately, the residents who would like to move the bats are caught in this difficult conundrum. It is easy to say we should make a noise, make a mess, bang on saucepans, play loud music and make screeching sounds that will hurt their little bat ears. The difficulty with that, however, is whether that is in fact better than having flying foxes. That is not something that people want to live with either. The problem is made more complex by the confusion regarding the three levels of government. But the fundamental difficulty is that in cases like Woodend where a colony is well established and has been for more than 30 years the prospect of moving them on is not nearly as easy as it might seem.

What we have done in Woodend is try, quite genuinely I think, to manage them as best we can. We have attempted to revegetate the lower end of the gully down near the river away from where the people live in the hope that when revegetated the flying foxes will move to that part of the reserve which is away from people's houses. In conjunction with the council we have also created buffer zones around people's houses so they are not directly in their backyard. That has had varying levels of success. I think it has probably made it a bit better, but, as I said, for those people who do not like it, it is still not a great situation and for them I still have some sympathy.

I have one constituent in particular—Mr Glenn Pearce—who has a real problem with the noise and the incursion of flying foxes around his house. I recently wrote to the minister for sustainability about this situation, and I thank him for the consideration that he is giving to the matter. I understand that the minister is about to write back to me advising that he will very shortly be sending EPA officers out to Mr Pearce's house to have a talk to him and to see what, if anything, we can do to resolve the situation.

**Mr McNamara** interjected.

**Ms NOLAN:** I really appreciate the minister's intervention in that regard. If there is anything we can practically do for Mr Pearce, then we certainly should.

To turn more specifically to the provisions of the bill, it is, I suspect, easier to disturb flying fox colonies and hopefully get them to move on before they become established. One of the things that this bill does is clarify the responsibilities of the council and the state in that regard. The bill makes it clear that local governments do have power with new roosts to move them on. The flying foxes amendment to the Nature Conservation Act 1992 is designed to assist local councils move on roosts of colonies of flying foxes in a safe and humane fashion. Roosts are where the flying foxes roost and raise their young and are generally occupied during daylight hours. Flying foxes tend to roost in a different spot from where they feed, so orchardists' right to deter flying foxes from feeding on their crops will not be affected by this amendment.

As I said, it is currently unclear whether the EPA can issue a permit for local governments to lawfully move colonies of flying foxes from their roost. The policy position of the EPA is that activities aimed at moving flying foxes from their roost sites should only occur under permit, as moving flying fox colonies during breeding or while they have young can adversely affect the colony. That is quite clear. We do not want to create a situation where the young are unable to have their parents return to them or where, for instance, their trees are chopped down before they are big enough to move away. That is a simple matter of humane treatment.

The permits to move flying foxes will be granted in limited circumstances only, such as where local governments need to move particular problematic flying fox colonies. In general, attempts to move a colony can only be considered where the newly selected roost site causes a direct negative impact on residents and where alternative sites that would not cause additional management problems are available. Of course that makes perfect sense. The member for Cleveland I think very articulately outlines the great environmental benefits of flying foxes. I think once we acknowledge what he has to say it becomes clear that we should only be looking to move them on when there is a serious and negative impact on people.

The assessment criteria to determine whether an application for a damage mitigation permit to move on a flying fox colony from its roost site would be approved include a general assessment of the animal's health and condition, the history of colonies using the site and the nature and extent of the impact on residents. These criteria are outlined in the management of urban flying fox colonies and damage mitigation permits for flying foxes guidelines, which are available on the web site of the minister's department.

I sincerely commend the EPA for taking this step. Many of us well know that councillors are often the first to shift the blame for urban flying fox colonies, including in Ipswich where the flying fox colony is largely on a council reserve. I think it most appropriate, given that political interest and given the fact that councils tend to have greater infrastructure on the ground than does a big agency like the EPA, that we should clarify the council's role and we should empower councils to take sensible action to move on new roosts. As such, I commend the minister for bringing this amendment before the House, and I commend the bill to the House.