

Code of Practice

Ecologically sustainable management
of flying-fox roosts
Nature Conservation Act
1992

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Human Rights compatibility

The Department of Environment and Science is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this code of practice, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

1. Purpose and operation of this code

- 1.1 The purpose of this Code of Practice— Ecologically sustainable management of flying-fox roosts ('the Code') is to ensure that the chance of *management actions* under this code resulting in harm to flying-foxes is minimised and all appropriate welfare standards are upheld.
- 1.2 This code sets out how local governments operating under section 61 of the Nature Conservation (Animals) Regulation 2020, may undertake *management actions*, which may:
 - 1.2.1 destroy a flying-fox roost
 - 1.2.2 drive away, or attempt to drive away, a flying-fox from a flying-fox roost
 - 1.2.3 disturb a flying-fox in a flying-fox roost.
- 1.3 This code should be read in conjunction with the Flying-fox Roost Management Guideline and the Code of Practice – Low impact activities affecting flying-fox roosts.
- 1.4 This code is made under section 174A of the *Nature Conservation Act 1992* ('the Act').

2. Prescribed methods for management actions

- 2.1 The Department of Environment and Science (DES) must be notified at least two business days prior to commencing any *management actions* by completion of the flying-fox roost management notification form (available on the DES website). However, management actions may be commenced earlier than two business days following completion of the flying-fox roost management notification form on the DES website if an *authorised person* gives written notice to that effect (email wildlife.management@des.qld.gov.au).
 - 2.1.1 This notification is valid for a four week period from the date of notification and states all *management actions* conducted in relation to a roost, including dispersal activities conducted at a different location which are required to manage any impacts arising from dispersing the target roost.
 - 2.1.2 If commencement or continuation of activities is delayed beyond this four week timeframe, a further notification form, including the new proposed commencement date and time is required.
 - 2.1.3 If the notified *management actions* involve driving away, or attempting to drive away flying-foxes from a roost, local governments within a 50km radius of the roost must also be notified in writing (e.g. by email) prior to commencing *management actions*.
- 2.2 No roost tree may be—
 - 2.2.1 destroyed when there are flying-foxes in the tree, or when flying-foxes are near the tree being destroyed (for example, within 20 metres).
 - 2.2.2 trimmed when there are flying-foxes near the trimming (for example, within 10 metres). Note that in cases where trimming or removal of whole trees is necessary for the purposes of protecting public health and safety (e.g. removal of a dangerous branch over a footpath) local governments are authorised (in accordance with this code) to move a flying-fox that is nearby, to another part of the site to allow the trimming to occur.
- 2.3 All *management actions* must immediately cease, and DES be immediately notified if a flying-fox is killed, injured, or found on the ground as a result of *management actions* (email wildlife.management@des.qld.gov.au). *Management actions* may only recommence after—

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- 2.3.1 the flying-fox has been removed by an *appropriately trained person*, and
- 2.3.2 the *person in charge* determines, after receiving advice from a *person knowledgeable about flying-fox behaviour*, that resuming *management actions* poses no risk to other flying-foxes at or near the roost.
- 2.4 Any attempts to move flying-foxes within a roost site (e.g. ‘nudging’ flying-foxes from one tree to another immediately neighbouring tree), should be undertaken using methods that cause as little disturbance to flying-foxes as possible (e.g. using tree-mounted water sprinklers or floodlights), and must be properly coordinated and led by the *person in charge* to ensure all actions are lawful and in compliance with this code. To remove any doubt, methods that result in flying-foxes being driven away are not authorised under this condition.
- 2.5 Any driving away, or attempting to drive away flying-foxes from a roost—
 - 2.5.1 must be properly coordinated and led by the *person in charge* to ensure all actions are lawful and in compliance with this code.
 - 2.5.2 may only occur when a *person knowledgeable about flying-fox behaviour* is—
 - 2.5.2.1 for the first two days, *present* at the time of driving away or attempting to drive away flying-foxes and able to provide advice directly to the *person in charge*, and
 - 2.5.2.2 available (e.g. by phone or in person) for the remainder of the time of driving away or attempting to drive away flying-foxes, to provide advice to the *person in charge* as needed.
 - 2.5.3 may only occur in the early evening and/or early morning i.e. during ‘fly-out’ and/or ‘fly-in’.
 - 2.5.4 when being carried out in the early evening, must commence immediately prior to ‘fly-out’ at a roost and continue for no longer than 3 hours.
 - 2.5.5 when being carried out in the early morning, must commence during ‘fly-in’ and continue for no longer than 3 hours.
 - 2.5.6 must be limited to non-lethal deterrence methods only, for example, non-lethal use of smoke, noise, light, foggers, water sprinklers, and/or ‘scarecrow’ type devices. To remove any doubt, methods that physically injure flying-foxes (e.g. high-pressure hoses, caustic soda, paint ball guns) are not authorised.
- 2.6 N.B. While *management actions* that are in accordance with this code of practice may be undertaken at any time of the year, the *person in charge* must consider avoiding *management actions*—
 - 2.6.1 where possible during certain periods of the year, for example—when females are in the late stages of pregnancy or there are dependant young (e.g. creched young, pups) that cannot sustain independent flight, and
 - 2.6.2 during or immediately after climatic extremes, or weather events that may cause food shortages, such as periods of unusually high temperatures or humidity, cyclones and fires, and
 - 2.6.3 which may negatively impact the conservation of flying-fox species which are listed as *threatened wildlife* under the Act.
- 2.7. DES must be sent a flying-fox roost management evaluation form (available on the DES website) within six weeks of the date of notification. Should the outcome of the management actions on site

not be fully known in this timeframe, further information may be submitted at a later date by emailing wildlife.management@des.qld.gov.au.

3. Definitions

Act— the *Nature Conservation Act 1992*.

Appropriately trained person— means a person with experience and training in the safe handling of flying-foxes, who is appropriately vaccinated.

Authorised person— means any of the following:

- (a) the chief executive, performing functions under the Act;
- (b) a public service employee of the department performing functions under the Act for the chief executive;
- (c) a conservation officer who is not an employee of the department and who is performing functions under the Act for the chief executive.

Management actions— means non-lethal actions intended to stop flying-foxes from making use of a site or part of a site, and include destroying and/or trimming vegetation at a site, as well as coordinated action to drive flying-foxes away from a site or move flying-foxes within a roost site.

Person in charge— means

- (a) if the *management actions* are being performed by a local government— the local government officer on site and leading the *management actions* (or the local government officer directing a contractor to undertake the *management actions*); or
- (b) if the *management actions* are being performed by a person under an approved flying-fox roost management permit— the person on site who is leading the *management actions*.

Person knowledgeable about flying-fox behaviour— means a person, who may also be the *person in charge*, able to demonstrate experience in successfully:

- (a) classifying flying-fox species; and
- (b) assessing flying-fox population numbers in particular roosts; and
- (c) identifying flying-fox breeding cycles including evidence of breeding and rearing activity in particular roosts; and
- (d) recognising signs of (and circumstances which may result in)—
 - i) distress in flying-foxes, and
 - ii) harm to flying-foxes, and
 - iii) abandoned dependent young flying-foxes.

Present— means on site, or, with chief executive approval (e.g. for remote areas, or urgent management actions), connected by video call or phone call.

Roost or flying-fox roost— means a tree or other place where flying-foxes congregate from time to time for breeding or rearing their young.

Threatened wildlife— means native wildlife that is prescribed under the Act as:

- (a) extinct wildlife; or
- (b) extinct in the wild wildlife; or
- (c) critically endangered wildlife; or
- (d) endangered wildlife; or
- (e) vulnerable wildlife.