



Hon Kate Jones MP
Member for Ashgrove



**Minister for Climate Change
and Sustainability**

Ref: CTS 16554/10

Mr Neil Laurie
The Clerk of the Parliament
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Laurie

I refer to your letter of 16 September 2010 enclosing a copy of Petition No. 1524-10 lodged in the Queensland Legislative Assembly.

I appreciate the genuine distress that can result from living near a flying fox colony.

The department can grant a Damage Mitigation Permit (DMP) to disperse a flying fox colony where it is shown to be having a significant adverse impact on the public and the dispersal activities are likely to succeed without being detrimental to the animals.

Applications of this nature are ordinarily made by local authorities or a corporation as dispersal of flying foxes can require considerable input of resources and time.

Before an application is lodged, the Department of Environment and Resource Management can provide assistance to applicants, to ensure they are aware of the process involved.

After an application is lodged, the department is required to assess the application within 40 business days. If more information is required by the department, this timeframe can be longer.

The department refused a DMP application from Charters Towers Regional Council on 22 June 2010.

I'm advised the application was refused on two grounds. Firstly, the department was not satisfied that the use of a helicopter to disperse the flying foxes in the circumstances proposed would be humane. This view was supported by the Royal Society for the Prevention of Cruelty to Animals.

Secondly, the department was also not satisfied that public safety relating to the use of helicopters had been properly addressed by the applicant. For example, I understand the

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department was advised by the Civil Aviation Safety Authority that the appropriate authorisation had not been granted to the proposed helicopter operator at the time of the department's decision.

Another public safety issue considered by the department was the threat associated with a helicopter operating above or in the vicinity of residential areas, particularly if flying foxes posed an operational hazard to the aircraft.

The application was assessed by the department in accordance with a number of other criteria. These were fulfilled by the applicant and include a) the threat, or potential threat to human health and wellbeing, b) the damage or loss caused, or likely to be caused by the presence of the animals, and c) that a permit would not detrimentally affect the survival of the animal in the wild.

However the department could not approve the application given the two reasons stated above. Humane practice and public safety are both relevant considerations under the *Nature Conservation Act 1992* in determining applications of this nature.

Since 2002, the Charters Towers Regional Council has applied for and been granted 15 DMPs to disperse flying foxes within the township. The department is able to immediately issue a further DMP based on these previous approvals, which do not involve the use of a helicopter.

I can advise that the Director, Wildlife Management, of the department, has visited Lissner Park in Charters Towers and observed the flying fox situation first hand. I understand that the department maintained an open offer to Charters Towers Regional Council to contact them to discuss its application and the issue in general.

I visited the Charters Towers area twice this year and viewed the flying foxes in Lissner Park personally. I have also had discussions with the Mayor of Charters Towers, Mr Ben Callcott, about the DMP process.

I'm advised the number of flying foxes in Lissner Park increases seasonally with the migration of Little Red flying foxes into the area. Since 2002, Charters Towers Regional Council has applied for, and been granted, 15 Damage Mitigation Permits (DMPs) to disperse Black and Little Red flying foxes within the township, to address issues with noise, odour and droppings. The most recent DMP expired 26 July 2009.

The Department of Environment and Resource Management has worked collaboratively with Council to create an alternative roost site outside of the township, to attract the colony away from the urban area.

A suitable site of about 40 hectares was acquired by Council outside of the township and approximately \$49,000 of Natural Heritage Trust 2 funding was invested in establishing advanced plantings of trees of up to 9 meters, to accelerate the creation of the alternative roosting site.

As we are again entering the time of year when Little Red flying foxes may arrive, I have asked the department to liaise with Council over the next few weeks to discuss management strategies for this eventuality.

Should you have any further enquiries, please do not hesitate to contact Mr Clive Cook, Senior Director Conservation Strategy and Planning of the department, on telephone (07) 3330 5275.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kate Jones', written in a cursive style.

Kate Jones MP
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