

Code of Practice – Ecologically sustainable lethal take of flying-foxes for crop protection

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Leanne Linard MP, Minister for the Environment and the Great Barrier Reef, Minister for Science and Minister for Multicultural Affairs, provide this human rights certificate with respect to the Code of Practice – Ecologically sustainable lethal take of flying-foxes for crop protection made under the *Nature Conservation Act 1992*.

In my opinion, the Code of Practice – Ecologically sustainable lethal take of flying-foxes for crop protection (Code of Practice), as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The Code of Practice identifies the conditions under which crop growers can apply for a damage mitigation permit to lethally take flying-foxes, the annual quotas for how many flying-foxes can be taken, the methods of take, and the reporting process.

The amended Code of Practice reduces the annual quotas during a three-year phase-out period, and on conclusion of the phase out period (1 July 2026), permits to shoot flying-foxes will no longer be available, and the Code of Practice will no longer be applicable.

A range of alternative, and more effective, methods remain for the management of flying-foxes, including, drape netting, and exclusion netting, which do not pose the same concerns regarding animal welfare.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

The Code of Practice does not engage any human rights under the *Human Rights Act 2019*.

Consideration of reasonable limitations on human rights (section 13 *Human Rights Act 2019*)

The Code of Practice does not place any limitations on human rights under the *Human Rights Act 2019*.

Conclusion

I consider that the Code of Practice is compatible with the *Human Rights Act 2019* because it does not limit human rights.

LEANNE LINARD MP
MINISTER FOR THE ENVIRONMENT AND THE GREAT BARRIER REEF
MINISTER FOR SCIENCE AND MINISTER FOR MULTICULTURAL AFFAIRS