

1 December 2014

To the NSW Department of Environment and Heritage  
[flyinglefox.policyreview@environment.nsw.gov.au](mailto:flyinglefox.policyreview@environment.nsw.gov.au)

Dear Sir/Madam

### **Re Flying-fox Camp Management Policy 2014: Consultation draft**

I am writing regarding the *Flying-fox Camp Management Policy 2014: Consultation draft* (the policy). For the past 10 years I have researched and published in the field of wildlife law, including peer-reviewed publications on flying fox management laws.<sup>1</sup> I am now retired but have maintained an interest in the field. I am concerned that this draft policy will not achieve the goals stated, and will be counterproductive by increasing the risks of human health impact and by having a detrimental impact on the population of Australian flying foxes.

My concerns are as follows:

- The stated overriding goal of the draft policy is to 'minimise health impacts of flying-fox camps on people'. Yet health risk caused by flying foxes is extremely low. There is absolutely no risk of contracting lyssavirus from living next to a flying fox colony. The only possibility of contracting this disease is by handling infected animals (less than 0.1% of the population) *and* failing to seek medical assistance. There has been no record of anyone ever contracting hendra virus from flying foxes. There are no other diseases that can be easily contracted by flying foxes, certainly not because of proximity to a colony. Whilst it is possible that living next to a colony may adversely impact mental of residents, this impact can be best addressed by education (to reduce the hysteria) and/or mitigation of impact in other ways. Given the extremely low health risk posed by colonies, human health should not be used as a justification for dispersing flying-fox colonies. On the other hand, dispersing colonies or allowing their shooting increases the risk of animals being injured and orphaned and falling to the ground where they can be picked up by members of the public. In addition, dispersal activities that increase stress in the animals also risk impacting on the animals' health and increasing the shedding of viruses.
- The policy aims to manage the flying fox colonies whereas better results would be achieved by managing and educating residents. Most complaints about flying foxes are generated or exacerbated by hysteria, ignorance and fear caused by demonization of flying foxes by the media. Countering such misinformation by providing factual information about the role of flying foxes, their biology, and extraordinary anatomical features would go a long way towards

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<sup>1</sup> Thiriet, Dominique (2005) *The relocation of flying fox colonies in Queensland*. Environmental and Planning Law Journal, 22 (3). pp. 231-239; Thiriet, Dominique (2010) *Flying fox conservation laws, policies and practices in Australia - a case study in conserving unpopular species*. Australasian Journal of Natural Resources Law and Policy, 13 (2). pp. 161-194; Thiriet, Dominique (2008) *Warts and all: laws, policies and practice for the management of unpopular species*. In: Australasian Law Teachers Association 63rd Annual Conference: the law, the environment, Indigenous peoples: climate for change?, p. 73. From: 2008 Australasian Law Teachers Association Conference: the law, the environment, Indigenous peoples: climate for change?, 6-9 July 2008, Cairns, QLD, Australia; Thiriet, Dominique (2013) *Out of Eden: wild animals and the law*. In: Sankoff, Peter, White, Steven, and Black, Celeste, (eds.) *Animal Law in Australasia: continuing the dialogue*. Federation Press, Sydney, NSW, Australia, pp. 226-244; Thiriet, Dominique (2011) *Conservation shouldn't be a popularity contest*. The Conversation, 2011. pp. 1-4.

resolving conflicts.

- The policy is based on subjective complaints about noise, smell and loss of amenity by a vocal minority. It is true that flying foxes may be smelly, noisy and create mess, but in most cases this is not worse than many other factors in urban living (cooking smells from the neighbours, traffic noises and garbage trucks). The policy needs to incorporate a concept of excessive noise, smell, and loss of amenity. Public education would be helpful to assist determining what is reasonable and what is excessive.
- The policy confuses issues related to colonies and crop protection. Shooting of flying foxes in orchards will do nothing to alleviate perceived problems caused by a colony. Indeed it may well worsen the problem in the colony if lactating females are shot and their young are left in the colony to die - this will cause more noise (young calling out for their mothers), more risk of young falling to the ground to be picked up by members of the public, and more smell (decomposing bodies of the starved young).
- The policy makes no reference to the fact that the management of flying foxes, including their dispersal must be conducted in a humane manner. Management activities should proactively involve animal welfare bodies.
- The policy aims to provide councils with greater powers and flexibility to manage their local colonies. Two years ago the Queensland government amended the *Nature Conservation Act* to provide the same and I believe that this system has serious flaws:
  - Most councils have no expertise in flying fox ecology and management.
  - Most councils do not have the financial resources to manage and monitor flying fox colonies in the long term and many would have little realistic understanding of the work and expenses required.
  - By allowing councils to work individually, the Department of Environment and Heritage has lost the ability to oversee the management at a state level and to conduct management activities to take place in an integrated manner
  - The cumulative impact of actions conducted by various councils without overseeing is likely to result in colonies moving back and forth from one council area to another without resolving any problem.
  - Some examples of recent management activities that have been facilitated by the new NCA provisions include:
    - Charters Towers - tens of thousands of ratepayers dollars spent on dispersal activities, using helicopters and other means. This has achieved little as the animals did not leave or returned shortly afterwards. They have remained in the colony since February.
    - Home Hill - relocation of a small maternity colony that had no impact on residents (nearby residents did not even notice the colony was there), with no subsequent monitoring or appropriate plan for dealing with the formation of new colonies.
    - Cairns - severe tree pruning to disperse the flying fox colony in the city despite its being a famous tourist attraction. The trees are now looking like they have been butchered and the animals are dispersed all over the area in areas that are even more inconvenient.
- The past few years have seen large numbers of flying foxes dying in heat stress events particularly in northern NSW and southern Queensland. The impact of these events on population numbers are still poorly understood and it seems dangerously premature to introduce a permissive policy that is likely to contribute to further deaths, abortions and

casualties generally.

- My published research into NSW wildlife management indicated that monitoring and enforcement of wildlife permits by NPWS is poor. The draft policy is therefore of concern because it will probably result in many more activities going unchecked.
- The policy should require the following conditions, not merely make them optional:
  - that dispersal activities **must not** (not merely 'should not') be undertaken when the resident female flying-foxes are heavily pregnant and until the young can fly independently.
  - that dispersal **must not** be undertaken during extreme temperature events
  - that councils **must** consult and seek advice from experts in the field prior to any dispersal activities.

In conclusion, this policy appears to have been drafted in order to divest the Department of Environment and Heritage from the important responsibility of managing and conserving wildlife. By delegating this role to councils, DEH will surely save money and resources. This will ensure however that the difficult issues regarding managing interactions between people and flying foxes will not be addressed adequately, simply because local councils do not have the resources, the expertise, nor the traditional responsibility for such matters. I urge the Department to abandon this policy and not to follow the disastrous example set by Queensland.

Yours faithfully

A handwritten signature in black ink, appearing to be 'D. Thiriet', written in a cursive style.

Dominique Thiriet