

November 21 2014

To: flyingfox.policyreview@environment.nsw.gov.au

Cc: greg.hunt.mp@environment.gov.au

Cc: office@stokes.minister.nsw.gov.au

Dear Mr Van der Mark

Thank you for the opportunity to comment on the Draft NSW Flying-Fox Management Policy 2014 and the accompanying Camp Management Plan Template Document.

I am very disappointed that NSW has chosen to follow the Queensland path of devolving FF camp management to local councils and land managers. I find it hard to believe this policy has emanated from the Office of Environment and Heritage, whose focus should surely be on conservation of biodiversity and **not** the introduction of a policy that will instead contribute yet another threat to an already declining species, through the permitting of increased FF camp persecution through disturbance and dispersal?

However, I commend many parts of the draft Policy and accompanying Camp Management Template, particularly the emphasis on the Vulnerable status of the Grey-headed FF; protection of land that is declared critical habitat and; that all species of bats are protected under legislation.

I do however, have some specific requests for amendments to; and questions about; aspects of both documents, which I hope may be considered and taken into account. **These are in bold, italic and underlined** and appear after the rationale for each comment.

My major concern is that, as has been well-evidenced in Queensland, local councils will request actions based on the prevailing attitude towards flying foxes in their local electorate. Some of these may not be in the best interests of either the community or the flying-foxes. There have been some spectacularly violent dispersals in Queensland (notably Charters Towers and Chinchilla). In the cases of the Boonah and Gatton FF colonies in Queensland, the entire camp vegetation was simply bulldozed without notice. It is not known if animals were present at the time, but it is likely. This cannot be permitted to occur in NSW.

I note also that Fact Sheets are to be developed and provided to applicants, containing detail that may not be covered in the above documents. Some comments I have made may indeed be intended to be covered in these Fact Sheets, but I believe they also need to be included in the body of the 2 main documents, viz the Dr

I would like to begin with a question:

What additional resources are to be provided to OEH, particularly in regional offices, to assist with the additional advice and monitoring responsibilities this Policy will create?

COMMENTS:

1) Objectives: Emphasis on “Impacts on Human Health”

The stated priority of the policy – “to address the potential impacts on human health” is somewhat exaggerated. There is inconvenience, but little or no physical danger to human health in living close to a Flying-fox colony unless a non-vaccinated person is bitten or scratched by an infected animal. Given that the rate of ABL-infected Flying Foxes is less than 1% and effective treatment is available; this focus on human health impact seems at variance even with OEH’s own publication “Living with Grey-headed Flying Foxes” at: <http://www.environment.nsw.gov.au/animals/GreyheadedFlyingfox.htm>

(Which in my view gives a much more balanced and reasoned view).

While I appreciate the *inconvenience* some residents may find in living close to a colony, in my view the creation of this policy appears to have more to do with supporting the extraordinary level of public ignorance and myth regarding flying-foxes, and bats in general. As it stands, this policy panders to these public perceptions. There is no doubt that the complaints/petitions etc regarding bat/human conflict have increased. However it is fair to say that these are being well fed by the hysterical, exaggerated and inaccurate reporting by media outlets such as the Daily Telegraph and the rabble-rousing, hateful and ignorant on-air comments by ‘shock jocks’ such as Alan Jones, who seem to wield a lot more political influence than they should. It is well past time publications and individuals who espouse this misinformation were held to account.

It is human activity that has caused flying-foxes to become such a "nuisance" by roosting so close to human habitation, and I commend the policy for making this point.

Given this, I request that the following points be included and emphasised in Level 1 activities:

- **Development of public and school education campaigns**
- **consideration of limiting of approvals to develop land close to existing permanent FF camps, (particularly for such sensitive installations as residential housing, schools and aged care centres);**
- **establishing future alternative and attractive roost sites well away from human habitation and interference.**

2) “Camp Dispersal can be a successful way to remove impacts on local communities.”

(Exec Summary, p1, para 7).

Standing alone, this sentence is generally incorrect. Further, it is at distinct variance with the more correct information contained later in the Policy document (p7, *Level 3 actions*). Additionally, dispersals have been shown to be ineffective and costly in 2 papers by Eby, Roberts et al 2010 and 2013 (***attached***) and more recently in news items regarding dispersed bats in Queensland returning less than a year after dispersal activities; with Queensland Councils saying they can’t afford to disperse again. Example is given here:

<http://www.abc.net.au/news/2014-11-03/queensland-councils-struggling-to-afford-bat-removal/5863488>

Dispersal activities also increase the risk to human health as frightened, displaced and possibly infected animals may land in nearby residents' properties, thus increasing the risk of a bite or scratch. A stressed bat is also likely to shed more virus if it is one of the few carrying ABL.

This statement should be either removed or substantially amended. Many people will only read the Executive Summary, so it's important that it contains correct information.

3) CSIRO National Flying Fox Count to inform future decision on the continued TSG listing of the Grey-headed Flying Fox.

(Introduction, p4, second last para)

As a trained counter for the above survey, my personal observation is that disturbance of animals as the people counting move through the colony must surely result in double-counting of animals. However, I have been unable to elicit further information on the algorithms used by CSIRO in order to take "counter error" and the limitations of the count methodology into account. I find this of great concern.

Additionally, this change of policy part-way into the CSIRO project could well skew the results of this study, which is looking to identify trends in flying-fox habitat use and population size over time.

I seek demonstrated assurance that factors other than the CSIRO count will be also taken in consideration when any future decisions are made about the Listing of the Grey-headed Flying-Fox – factors such as the increasing incidence of heat stress events causing extensive deaths. Examples - The 2013 heat stress events at Bombaderry (Justin Welbergen estimates 5-10,000 GH deaths); and those in SE Queensland in January 2013 (Welbergen estimates more than 45,000 GH deaths). Additionally, the recent heat stress event in Casino on November 15 is estimated to have killed between 2 – 5,000 animals.

4) Managing Flying Fox Camps – Level 1, 2 and 3 Actions

(Managing Flying-foxes, p 6-7)

LEVEL 1 ACTIONS:

- I have already commented on my belief that Level 1 actions should include the points made above in Point 1, ie.

- ***Development of public and school education campaigns***
- ***consideration of limiting of approvals to develop land close to existing permanent or seasonally-occupied FF camps, (particularly for such sensitive installations as residential housing, schools and aged care centres);***
- ***establishing future alternative and attractive roost sites well away from human habitation and interference.***

On the research available to date, actions such as this would appear to be far more cost-efficient and beneficial to both the species and the community than repeated dispersal attempts.

Additionally, the point regarding trimming of understory vegetation needs to take into account the need for a protective amount of understory to be left, so that animals can retreat to the cooler understory in the event of extremely high temperatures, which appear to be occurring more and more often. A general consensus is that no more than 5% of existing understory be removed at any given time. (Ref: Welbergen, J. A., Klose, S. M., Markus, N., and Eby, P. (2008). *Climate change and the effects of temperature extremes on Australian flying foxes. Proceedings of the Royal Society, Series B* **275**, 419–425).

Information about understory removal needs to include guidance on amount and timing included in both Policy and Template, rather than the current bald statements “trimming of understory vegetation” and “weed removal”.

LEVEL 2 ACTIONS:

While I note that limitations to be considered before implementing Level 2 actions are mentioned in Appendix B of the draft Policy, I would like to see them stated succinctly in this part of the policy as well. The Queensland Government’s 2013 *Code of Practice: Ecologically sustainable management of flying-fox roosts (attached)*, contains many such useful statements such as:

Point 2.2: “No roost tree may be destroyed when there are flying-foxes in the tree, or when flying-foxes are near to the tree and likely to be harmed as a result of the destruction or modification”.

Point 2.3: “All management actions must immediately cease and EHP be immediately notified if flying-foxes appear to have been killed or injured”.

It is further noted that NSW has greater restrictions than Queensland on vegetation removal, including addressing animal welfare issues, eg there must be a 50metre buffer between tree works and roosting flying-foxes. Additionally, stress monitoring techniques are better specified by NSW legislation than that of Queensland, for example stress is indicated by disturbed animals flying for more than 15 minutes and other behaviours as observed by a trained ecologist.

Increased guidance is required in both Policy and Template as to actions which are and are not permitted under this policy. I request assurance that the current NSW restrictions described above will continue to be implemented with this change in policy, and that animal welfare issues and existing legislation will not be overridden under this Policy.

LEVEL 3 ACTIONS – DISTURBANCE/DISPERSAL:

(p7, para 1)

Actions involving noise, water, smoke or light are mentioned here. Although the Camp Management Template requests detailed information on the proposed actions to be taken, **some guidance should be offered as to what is considered acceptable and not acceptable.** I am reminded of the dispersal by Charters Towers Council in December 2013, where the use of helicopters, paintball guns, fireworks and

high-pressure water cannons was sanctioned by the State Government. I trust such actions will not be permitted in New South Wales.

I request that clear guidance be given in both Policy and Template as to what are considered approved and non-approved actions. I also seek assurance that extreme actions such as those undertaken at Charters Towers will not be permitted.

(p7, para 2) “Camp dispersal can be a successful way to remove impacts on local communities and is supported by this policy”

- Again, I strongly disagree with the statement that camp dispersal can be “successful” for the scientifically-supported reasons given earlier in Point 2 – however, **I would like to commend** the information that follows, regarding the possible costs and outcomes; as well as the information relating to when disturbance/dispersal action should NOT be taken.

- In addition, I have concerns about the vague and emotive connotations of the word “**supported** by this policy”.

I would prefer to see this changed to “PERMITTED by this policy”.

(p7, para 3)

It is of great concern to see that it is only “recommended” that dispersal not take place during certain times and conditions. Surely the wording should be stronger, while still giving applicants the ability to act during these times and conditions if exceptional circumstances can be proven?

This is suggested as much to protect over-exuberant Councils/land managers from possible prosecution under animal welfare and prevention of cruelty to animals legislation; as it is to protect the animals from deliberate acts of cruelty or lethal culling (as would occur if a dispersal took place during maternity season with pups too young to fly remaining in trees, for example).

Instead of “Dispersal is not recommended....” the wording should be changed to “Except under exceptional circumstances, dispersal is not PERMITTED.... . Additionally, the ‘exceptional circumstances’ need to be defined.

5) Is Shooting of Flying-Foxes Allowed?

(p7)

There is no need to comment on the ineffectiveness and cruelty of shooting flying foxes, this has been well-documented – and I commend the policy for continuing to restrict shooting licences for this purpose. While the policy states that shooting would not be appropriate in towns and urban areas, it also needs to prohibit shooting within flying-fox camps, regardless of location.

I therefore request that the Policy and Template include reference that shooting will not be permitted within flying-fox camps, regardless of location.

In closing, I would like to see much greater reference in both documents to humane treatment of animals and NSW Prevention of Cruelty to Animals/Animal Welfare legislation in both draft documents. People need to be reminded that there are – or should be – legal consequences if animals are needlessly hurt or killed. I am sadly acutely aware of what has happened in some Queensland Council dispersals, notably those at Charters Towers, Chinchilla, Boonah and Gatton.

I trust the NSW Government will NOT allow its Animal Welfare and Cruelty legislation to be overridden during disturbance/dispersal events, as has happened in Queensland. I am aware the RSPCA was unable to take action against blatant cruelty and lethal culling occurring during the Charters Towers dispersal December 2013 and would hate to think an intelligent and environmentally-aware government would ever again sanction such an act.

I would very much appreciate your assurance of this.

As an example of how management of flying-fox camps **should** be conducted, I commend to you the 2012 document “Management and Restoration of Flying-fox Camps – Guidelines and Recommendations” (**attached**)

Thank you again for the opportunity to comment of the Draft Policy and Template and I look forward to your responses.

Yours sincerely

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- Chair, WIRES NSW State Bat Management Team
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