



Australian Government
Department of the
Environment and Heritage

EPBC Act

Administrative Guidelines on Significance
Supplement for the Spectacled Flying-fox

2003-2004



What you need to know about the Spectacled
Flying-fox for the 2003-2004 fruit season



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WHAT YOU NEED TO KNOW ABOUT THE SPECTACLED FLYING-FOX FOR THE 2003-2004 FRUIT SEASON

Due to declining numbers, and based on the best available scientific advice, the Spectacled Flying-fox has been listed as vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The Spectacled Flying-fox is also an important part of Queensland's biodiversity and contributes to the World Heritage values of the Wet Tropics of Queensland World Heritage Area (WTWHA), being part of the genetic diversity of the area and of the record of the mixing of faunas of Australian and Asian continental plates.

While the Australian Government seeks to ensure the conservation of this nationally threatened species, it also recognises that flying-foxes can damage crops and that in certain circumstances orchardists in particular may need to take measures to protect their livelihood. This booklet discusses control measures that seek to balance this need with the protection and recovery of the species.

While non-lethal crop protection is recommended by all Governments involved, with netting being the only method proven to be a completely effective deterrent, limited shooting permits or licences are issued at the State level to ensure crops are protected while other non-lethal control measures are found. Trials are currently underway into alternative deterrents.

It is important and a requirement of the EPBC Act that individual orchardists consider the particular facts and circumstances of their activities themselves in deciding whether they need to make a referral under the EPBC Act. You must make a referral to the Australian Government Minister for the Environment and Heritage for an activity if you think it may be likely to have a significant impact on the species.

In light of current population estimates, the Australian Government Minister for the Environment and Heritage is of the view that if you are complying with a current 2003-04 State permit or licence to shoot a specific number of Spectacled Flying-foxes, the limited number of flying-foxes you will be permitted to shoot is not likely to have a significant impact on the species or on the World Heritage values of the WTWHA.

The process for making a referral under the EPBC Act is easy and without charge. All you have to do is complete and submit the relevant form, which can be obtained from the Department of the Environment and Heritage.

Based on your referral, the Australian Government Minister for the Environment and Heritage will determine if an assessment is required before a decision is made. If it is not required, then you are free to take action in accordance with your referral. If an assessment is required, strict timeframes in the EPBC Act ensure the assessment and approval process is conducted in a timely manner.

Queensland has a range of programs underway, such as trials for non-lethal control measures, research into species numbers and distribution, and software that will allow you to see whether netting will benefit your crop. To become involved or for more information, contact your State agency listed at the end of this booklet.

The information above is outlined in more details in this booklet. If after reading this booklet you still require further information on the EPBC Act contact the Department of the Environment and Heritage on 1800 803 772 or visit our website at www.deh.gov.au/epbc.

The information in this booklet is a supplement to the EPBC Act Administrative Guidelines on Significance, July 2000. Its purpose is to provide general guidance to assist you in determining whether your proposed activity is likely to have a significant impact and whether you need to refer your proposed activity to the Australian Government Minister for the Environment and Heritage for a decision on whether assessment and approval is required. These guidelines do not change your legal obligations as set out in the EPBC Act.

Spectacled Flying-foxes

The Spectacled Flying-fox is a species of Australian fruit bat that is recognisable by pale-yellow fur around its eyes (the 'spectacles'), and on its shoulders and the back of its neck. The species favours the nectar and pollen of eucalypt blossoms, as well as native and introduced fruits.

In Australia, the Spectacled Flying-fox is only found in and around the rainforests of North East Queensland and Torres Strait. In particular, this species is found between Ingham and Cooktown, and the McIlwraith and Iron Ranges of Cape York. The largest population in Australia is known from the Wet Tropics of Queensland World Heritage Area between Townsville and Cooktown.

The Spectacled Flying-fox was included in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) list of threatened species as Vulnerable on 14 May 2002.

Threatened species that receive protection under the EPBC Act are those listed in the Extinct in the Wild, Critically Endangered, Endangered and Vulnerable categories.

The Spectacled Flying-fox also contributes to, and constitutes a part of the World Heritage values of the Wet Tropics of Queensland World Heritage Area. The EPBC Act protects the World Heritage values of a declared World Heritage property.

Why was the Spectacled Flying-fox included on the list of threatened species?

The Spectacled Flying-fox has been listed as nationally threatened because of this significant population decline and continued high levels of mortality.

The purpose of listing the Spectacled Flying-fox under the EPBC Act is to recognise that the long-term survival of the species is under threat, prevent its further decline, and assist community efforts toward the recovery of the species.

The Australian Government Minister for the Environment and Heritage decided to list the Spectacled Flying-fox as a threatened species in the Vulnerable category after considering advice from the Threatened Species Scientific Committee

(TSSC), an independent committee of scientists with relevant expertise, whose role is to advise the Minister on the conservation status of native species and ecological communities. In formulating its advice on the Spectacled Flying-fox, the TSSC also considered input from other recognised experts.

The TSSC advice indicated that, since the mid-1980s, the population of the Spectacled Flying-fox has decreased by almost 80 per cent. More alarmingly, the population was recorded as having declined by 35 per cent over two years, between 1998 and 2000. Significant threats continue, and losses due to human activities are high.

More information on the Threatened Species Scientific Committee

The Threatened Species Scientific Committee is established under the EPBC Act. When assessing the eligibility of listing species under the EPBC Act, the Committee uses a number of criteria. A copy of both the criteria and the TSSC's advice on the Spectacled Flying-fox can be obtained from the Department of the Environment and Heritage website at <http://www.deh.gov.au/biodiversity/threatened/nominations/index.html> or by contacting the Department of the Environment and Heritage.

How do Spectacled Flying-foxes contribute to the World Heritage values of the Wet Tropics of Queensland World Heritage Area?

The Wet Tropics of Queensland World Heritage Area, which covers almost 900,000 hectares of land between Townsville and Cooktown, was placed on the World Heritage List in 1988, as it met all four of the natural criteria for World Heritage listing. The Wet Tropics:

- is an outstanding example representing the major stages of the earth's evolutionary history;
- is an outstanding example representing significant ongoing ecological and biological processes;
- is an example of superlative natural phenomena; and
- contains important and significant habitats for in situ conservation of biological diversity.

An indicative list of the World Heritage values of the Wet Tropics of Queensland World Heritage Area can be found at the Department of the Environment and Heritage website at <http://www.deh.gov.au/heritage/awh/worldheritage/sites/wet Tropics/wet Tropics.html>

Distribution of Spectacled Flying-foxes in North East Queensland





The Spectacled Flying-fox contributes to the World Heritage values of the Wet Tropics of Queensland World Heritage Area as it is a part of the genetic diversity of the Area and is part of the record of the mixing of faunas of the Australian and Asian continental plates.

On 17 October 2001, the Federal Court confirmed that the Spectacled Flying-fox contributes to the World Heritage values of the Wet Tropics of Queensland World Heritage Area. Details of the Federal Court decision can be obtained from the Federal Court website at www.fedcourt.gov.au/gfx/j011453.pdf

What are the implications of the listing of the Spectacled Flying-fox under the EPBC Act and its contribution to the World Heritage values of the Wet Tropics of Queensland World Heritage Area?

Species listed under the EPBC Act and the World Heritage values of World Heritage Properties are matters of National Environmental Significance. It is an offence to undertake an action that is likely to have a significant impact on a matter of National Environmental Significance without approval from the Australian Government Minister.

This means that any activity that **may be** likely to have a significant impact on a listed species or upon the World Heritage values of the Wet Tropics of Queensland World Heritage Area needs to be referred to the Australian Government Minister to determine if the activity requires assessment and approval under the EPBC Act. State authorisation also needs to be obtained before undertaking any action.

With respect to the Spectacled Flying-fox, the Australian Government is currently working in partnership with the Queensland Government to facilitate the protection and recovery of this species. As part of this role, the Australian

Government has also reached agreement with the Queensland Government on an approach to manage to any damage caused by Spectacled Flying-foxes to fruit crops for the 2003-2004, 2004-2005 and 2005-2006 fruit seasons. More information on this approach is set out below.

PROTECTION OF FRUIT CROPS FROM FLYING-FOX DAMAGE

Flying-foxes can cause damage to some fruit crops. The extent of the damage can vary considerably from year to year, from region to region, crop to crop and even between orchards in the same district, but can sometimes be extensive.

The most effective and economic method to protect a crop from flying-fox damage also varies between different tree crops, different regions and the different layout and topography of individual orchards. Where viable, non-lethal crop protection is preferred as **it is less likely** to have a significant impact on the species. Full crop netting is currently the only method proven to be completely effective in deterring flying foxes, and trials are underway into alternative deterrents.

The use of non-lethal crop protection, such as netting or the use of deterrents, would be unlikely to have a significant impact on the species under the EPBC Act.

While the killing of any threatened species is undesirable, State agencies may permit or license limited shooting of flying-foxes to protect crops.

Consultations between the Australian Government and Queensland have resulted in



agreement that the total number of Spectacled Flying-foxes to be killed in accordance with State permits/licences in the 2003-2004 season will not exceed 1.5 per cent of the agreed national population estimate for the species. This level of authorised shooting is unlikely to prejudice the long-term survival or recovery of the Spectacled Flying-fox.

If you are complying with a current 2003-04 State permit or licence to shoot a specific number of Spectacled Flying-foxes, the number you will be permitted to shoot is not likely to have a significant impact on the species or on the World Heritage values of the WTWHA.

It is important and a requirement of the EPBC Act that individual orchardists consider the particular facts and circumstances of their activities themselves in deciding whether they need to make a referral under the EPBC Act. You need to make a referral for an activity if it is likely to have a significant impact on the species or on the World Heritage values of the WTWHA.

This position will be reviewed annually, on the basis of new national population counts and any other information available on the impact of shooting on Spectacled Flying-fox numbers.

Anyone killing a Spectacled Flying-fox without a valid permit or licence is contravening the relevant State law, and **where it would be likely to have a significant impact on the species**, may also be contravening the EPBC Act. There are heavy penalties, including substantial fines and jail terms, for anyone found guilty of a contravention under the EPBC Act.

While shooting may be currently allowed under strictly controlled circumstances, some States have

indicated that shooting may be phased out in the future. The Australian Government will be working with the States to develop alternative control methods for orchardists. The Australian Government will also be reviewing the population numbers of Spectacled Flying-foxes in 2004, 2005 and 2006 to see whether there are any positive or negative changes in the population over time. Depending on whether Spectacled Flying-foxes show a positive or negative change in population, they may either be upgraded to a higher threatened status or delisted altogether.

All the Governments involved in flying-fox conservation and management strongly encourage orchardists to adopt non-lethal crop protection as an alternative to shooting and as a longer-term solution. Information about the economics and practical aspects of crop netting is available from your State agency. Some assistance may also be available from State agencies or through Australian Government programs.

Disturbance of roost sites

Spectacled Flying-foxes are, like the other species of flying-foxes in Australia, social animals. They congregate in 'camps' in certain areas, sometimes permanently and sometimes on a seasonal basis. When this happens close to, or in, towns and cities there is sometimes pressure for authorities to take action to encourage the flying-foxes to move to other sites. However, even with good planning and expert assistance, such efforts do not always achieve the desired result. Often the unpredictable nature of flying-fox behaviour means that the camp may move to a roost even less acceptable to the affected human community. Permanent relocation is also likely to depend on a continuing program of disturbance to deter flying-foxes from returning to the original site.

Any proposal to move or otherwise disturb a camp of Spectacled Flying-foxes would need to be

assessed on the particular details of the proposal, and a referral under the EPBC Act should be considered.

State agencies have developed, or are in the process of developing, camp management policies for flying-foxes, and any camp relocation proposal should be consistent with such State policies. Consultation with Queensland wildlife authorities is strongly recommended during the development of any proposal. Where there is a risk of significant impact, either directly to the numbers in the camp or to the subsequent breeding success of the animals, the responsible person or authority should consider making a referral under the EPBC Act.

When the Minister determines the likely significance of impacts on the species, he or she will take into account factors such as the number of individual animals affected; whether female flying-foxes are likely to be suckling young within the camp at the time of disturbance; whether the social structure or breeding success of a camp is likely to be compromised; and whether roost trees will need to be destroyed or made inhabitable before a successful and permanent relocation is achieved.

Any other significant disturbance to roost sites, whether intentional or as a consequence of other action, should also be assessed for its potential to cause a significant impact on the population, prior to the activity taking place.

If you are unsure whether the activity that you are proposing will have a significant impact on the Spectacled Flying-fox or on the World Heritage values of the WTWHA, you should consult with the Department of the Environment and Heritage to discuss the particular circumstances of your proposal. If there is still doubt, a referral can be made at any time (before the activity commences) and you will be provided with a binding decision within 20 business days on whether or not approval under the EPBC Act is required.

How should a referral be made and what should it contain?

The person proposing to undertake an activity must decide whether a referral is required.

A referral must be made well in advance of taking the action and must contain information regarding the nature of the proposed activity, its location and potential impacts on matters of national environmental significance, including the Spectacled Flying-fox. The referral form and guide for submitting a referral can be obtained from the Department of the Environment and

Heritage website at <http://www.deh.gov.au/epbc/assessapprov/referrals> or by contacting the Department's Community Information Unit on 1800 803 772.

There is no application fee for making a referral.

What happens once you make a referral?

The Australian Government Minister is required to make a decision on whether an activity needs to be assessed and approved within 20 business days of receiving a referral.

If the Minister's decision is that an action **does not** need approval, you will not contravene the EPBC Act if the activity is done in the manner set out in the referral.

If the Australian Government Minister decides that an activity requires approval, then an environmental assessment of the likely impact of that activity on the Spectacled Flying-fox must be carried out. Based on this assessment, the Australian Government Minister will then decide whether to approve the action, and what conditions (if any) to impose. The action may then be undertaken in accordance with the approval and conditions (if any). You will be notified of the Minister's decision.

Strict timeframes in the EPBC Act ensure the assessment and approval process is conducted in a timely manner.

Assessment and approval under the EPBC Act does not remove the need to obtain any necessary State authorisations to undertake actions.

Consideration of social and economic factors in the approval process

The EPBC Act specifically requires the Australian Government Minister to take into account social and economic factors in deciding whether or not to grant approval to an activity. In this way, the Act ensures that these factors are properly considered when decisions are made that may affect land use.

Queensland State Contact

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Australian Government
Department of the
Environment and Heritage



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Further information is available from the Department of the Environment and Heritage website at www.deh.gov.au/epbc or by contacting the Department's Community Information Unit on 1800 803 772.