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The Committee Secretariat
The Standing Committee on the Environment and Energy
PO Box 6021
Parliament House, Canberra ACT 2600
Email: *Environment.Reps@aph.gov.au*

Dear Committee Members,

Inquiry into flying-fox management in the eastern states

The Environmental Defenders Office Northern Queensland (EDO NQ) welcomes the opportunity to provide a submission to the Environment and Energy Committee inquiry into flying fox management in the eastern states.

For 20 years community groups and members of the public have made use of the EDO NQ's free or low-cost environmental law legal service. As well as making submissions on over 300 law reform and policy changes and presenting 200 legal education projects, EDO NQ has assisted over 1,300 clients with 9,000 information advices; 4,170 legal advices and nearly 600 cases. EDO NQ assists conservation groups, members of the public and landholders to protect the places they love, their health, and the wider natural environment.

This submission will use the situation of the spectacled flying fox camp in the Cairns CBD as a case study of how the current legislation and approvals process has failed to protect this keystone species for the maintenance of biodiversity in the Wet Tropics World Heritage Area.

In 2014 Cairns Regional Council (CRC) carried out trimming and removal of heritage listed roost trees forming part of a listed nationally significant camp of spectacled flying foxes centred on the Cairns library. Their intention was to disperse a camp that has become a major tourist attraction and a unique example of wildlife in a CBD. As the spectacled flying fox is a protected species, listed as vulnerable under both the EPBC Act and the Queensland Nature Conservation Act, and the trees were heritage listed the CRC obtained the relevant permits under the EPBC Act, NC Act and Qld Heritage Act. However, the extreme manner in which they carried out this tree trimming, their failure to comply with the conditions of their approvals and the harm caused to both trees and flying foxes, resulted in prosecutions by DEHP. Consequently both CRC and their contractor were recently found guilty of breaches of the NC Act and Heritage Act in the Cairns courts and fined.

Despite the illegal actions of CRC in April/May 2014 and the strong community opposition it generated another two sets of approvals were issued to adjacent private landowners that resulted in the removal of a further 18 large mango trees (on the old Cairns Central School site) that were also roost trees for this camp. This resulted in overcrowding that was only exacerbated by the seasonal arrival of the little red flying foxes.

The outcome of all this tree clearing and trimming, all approved by State and Federal agencies, was a seriously stressed spectacled flying fox colony that then moved into other roost trees where they'd never been seen before. Now CRC decided to use the EPBC Act referral guideline to decide that subsequent actions to drive the flying foxes out of specific trees elsewhere in the CBD weren't significant enough to require referral as a controlled action.

The net result is a threatened species that is already in serious population decline, a species that should be legally protected from harassment and stress, especially during the breeding season, a species now falling victim to laws, policies and guidelines that put human interests ahead of the welfare and very survival of the animals the law is supposed to protect.

Whilst making your deliberations and recommendations please remember the hugely significant role of spectacled flying foxes as seed dispersers and pollinators in maintaining the flora of the Wet Tropics World Heritage Area. The public of Far North Queensland need be better educated in the role of native wildlife such as spectacled flying foxes and how to live with it. We're fortunate enough not to live in a concrete jungle, instead we live in an ecosystem that provides us with fresh air and water and that we share with native flora and fauna. If this committee does anything it needs to reinforce the concept that we are just another species in the natural environment that supports us, often for no reward, and our interactions with it need to ensure the maintenance of maximum biodiversity and the recovery of threatened species rather than driving them to extinction.

We would also like to note our support for the submission from the EDOs of Australia.

Please contact Brynn Mathews with any queries.

Yours sincerely
EDO NQ

Mark Buttrose President - Management Committee – EDO NQ