



Australian Government
Department of the
Environment and Heritage

2003-2004

EPBC Act

Administrative Guidelines on Significance -
Supplement for the Grey-headed Flying-fox



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



ISBN 0 642 548919

Published by the Department of the Environment and Heritage
November 2003

Printed on recycled paper

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Assistant Secretary

Corporate Relations and Information Branch
Department of the Environment and Heritage
GPO Box 787
Canberra ACT 2601

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Map compiled by Peggy Eby, Bruce Thomson and Ian Temby with
Victorian data from the Atlas of Victorian Wildlife, May 2002.

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

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

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 generally 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 under way 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 Grey-headed 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.

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.

Your State has a range of programs under way, such as trials for non-lethal control measures, zero or low interest loans for netting and research into species numbers and distribution. 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 detail 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 <http://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.

Grey-headed Flying-foxes

The Grey-headed Flying-fox is the largest of the Australian fruit bats. It is recognisable by its grey head and a reddish-yellow neck, chest and shoulders. The rest of its body is covered with dark brown fur. The species forages on a wide variety of flowering plants and native and introduced fruits.

The Grey-headed Flying-fox is found along the east coast of Australia, ranging from Bundaberg in Queensland to Melbourne and as far west as Warrnambool on the far west Victorian coast. The range extends from the coast inland to the western slopes of New South Wales. There have also been recent reports of the Grey-headed Flying-fox in South Australia.

The Grey-headed Flying-fox is an integral part of the World Heritage values of both the Greater Blue Mountains (GBM) and Central Eastern Rainforest Reserves (Australia) (CERRA) World Heritage Areas. It is present in at least three of the eight conservation reserves that constitute the GBM World Heritage Area and at least seven of the approximately fifty conservation reserves that comprise the CERRA World Heritage Area.

In addition to its inherent value as an element of the native fauna of the two properties, the Grey-headed Flying-fox is also important for the propagation and ongoing evolution of flora that are part of the World Heritage values of these areas. It is an important pollinator and seed-disperser of native trees, foraging on the nectar and pollen of native trees, in particular Eucalyptus, Melaleuca and Banksia, and on the fruits of rainforest trees and vines.

The Grey-headed Flying-fox was included in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) list of threatened species as Vulnerable on 4 December 2001.

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

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

The species is eligible to be listed as nationally threatened because it has suffered significant decline in numbers. In 1989 the numbers of Grey-headed Flying-foxes was estimated to be 566,000 animals in NSW alone. Ten years later, the population is estimated to be less than 400,000 animals nationally. This represents a

Distribution of Grey-headed Flying-foxes



decline of approximately 30 per cent in the national population of the Grey-headed Flying-fox.

The purpose of listing the Grey-headed 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 Grey-headed 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 Grey-headed Flying-fox, the TSSC also considered input from other recognised experts.

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 Grey-headed 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.

What are the threats to the Grey-headed Flying-fox?

Ongoing habitat clearance, particularly along coastal areas in northern NSW, is the main threat to the Grey-headed Flying-fox. Unregulated culling may also pose a threat to this species.

What are the implications of listing under the EPBC Act?

Species listed under the EPBC Act are considered to be a matter 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 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 Grey-headed Flying-fox, the Australian Government recognises the management responsibilities of the States and is therefore working in partnership with New South Wales, Queensland and Victoria to facilitate the protection and recovery of this species. The Australian Government has also facilitated agreement between the States on an approach to manage to any damage caused by Grey-headed 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.

The Australian Government has coordinated consultation between the relevant States (Queensland, New South Wales and Victoria) which has resulted in agreement that the total number of Grey-headed 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 lowest agreed national population estimate for the species. This level of authorised shooting is unlikely to prejudice the long-term survival or recovery of the Grey-headed Flying-fox.

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

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.

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 Grey-headed Flying-fox numbers.

Anyone killing a Grey-headed 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 is working with the States to develop alternative



control methods for orchardists. The Australian Government will also be reviewing the population numbers of Grey-headed 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 Grey-headed 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 the your State agency. Some assistance may also be available from State agencies or through Australian Government programs.

Funding for projects to recover threatened species and ecological communities is available through the Threatened Species Network Community Grants, which are normally opened for application in autumn each year. More information is available at <http://www.wwf.org.au/tsn>. Small community based projects may also be eligible for funding under Envirofund grants. More information on these grants is available at <http://www.nht.gov.au/envirofund>.

You may also wish to participate in the development and implementation of your region's Natural Resource Management Plan. In this case, contact your local land management agency.

Disturbance of Roost Sites

Grey-headed 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 Grey-headed 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 State 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 Grey-headed Flying-fox, 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 does 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 Grey-headed 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. You will be notified of the Minister's decision.

If the Australian Government Minister decides that an activity requires approval, then an environmental assessment of the likely impact of that activity on the Grey-headed 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).

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

If Australian Government approval is needed in relation to any activity involving Grey-headed Flying-foxes, 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.



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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.

State Contacts

Queensland

Wildlife Coordinator
PO Box 155
Brisbane, Albert Street, QLD 4002
Phone: 07 3234 0104

New South Wales

Coordinator Wildlife Management
PO Box 1967
Hurstville NSW 2220
Phone: 02 9585 6576

Victoria

Deputy Director
Flora and Fauna
4/250 Victoria Parade
East Melbourne VIC 3002
Phone: 03 9412 4279