



Queensland

Nature Conservation (Wildlife Management) Amendment Regulation (No. 1) 2012

Explanatory Notes for SL 2012 No. 153

made under the

Nature Conservation Act 1992

General outline

Short title

Nature Conservation (Wildlife Management) Amendment Regulation (No. 1) 2012.

Authorising law

Section 175 of the *Nature Conservation Act 1992* (the Act).

Policy objectives and the reasons for them

The object of the Act, as stated in section 4, is to provide for the conservation of nature.

Achievement of policy objectives

The *Nature Conservation (Wildlife Management) Regulation 2006* (wildlife management regulation) is being amended to allow for the sustainable, lethal take of flying-foxes. Sustainable levels of take will be

ensured by restricting the opportunity for take to crop growers who must take flying-foxes as part of their crop protection regime, requiring non-harmful methods to have been tried in the past as well as continuing to be used as part of their ongoing crop protection regime, and a number of other criteria. The chief executive must be satisfied of all criteria prior to issuing a DMP for the lethal take of flying-foxes.

The wildlife management regulation also enlivens a statutory code of practice that sets annual quotas that are deemed sustainable for each flying-fox species. These quotas further reinforce that ecological sustainability is a key criteria in the issuing of a DMP for the lethal take of flying-foxes. It also provides further detail on a number of the other criteria in the wildlife management regulation.

Additionally, the code of practice will set standards for appropriate shooting practices to ensure pain and suffering are minimised.

Consistency with policy objectives of authorising law

The proposed Amendment Regulation is consistent with the object of the Act, namely the conservation of nature. Section 5 of the Act states that this object is to be achieved by, among other things, ensuring the use of protected wildlife and areas is to be ecologically sustainable.

Section 175 of the Act gives the Governor in Council the ability to make a regulation under the Act. The regulation may be made to regulate (among other things) the taking, keeping or use of wildlife, the moving of wildlife into, in and out of the State, the release of wildlife into the wild and other dealing with wildlife.

The wildlife management regulation was made in 2006 to regulate the take, keep and use of wildlife to ensure that it is ecologically sustainable.

Division 2 of the wildlife management regulation under the Act provides for the sustainable take of wildlife under a DMP where the wildlife is causing, or may cause damage to property or represents a threat to human health or wellbeing.

The Amendment Regulation amends section 181 of the wildlife management regulation to clarify that the purpose of Division 2 is to ensure that DMPs do not adversely affect the conservation of species of animals in the wild.

The amended section 185 sets criteria and restrictions on the issue of DMPs that the chief executive must be satisfied of prior to issuing a DMP for the lethal take of flying-foxes, and enlivens a statutory code of practice to provide further detail on a number of these criteria. In particular the code contains annual quotas that are deemed sustainable for each flying-fox species. These quotas further reinforce that ecological sustainability is a key criteria in the issuing of a DMP for the lethal take of flying-foxes.

DMPs authorising lethal take are currently granted for a range of other species. The DMP system provides a structured and controlled way of allowing animals to be taken to manage significant impacts on society and the economy from protected wildlife without compromising the sustainability of the species in the wild.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

Flying-fox damage to orchards in Australia, and the resulting economic loss, has been an ongoing concern for both industry and government for many years. Research indicates that crop damage from flying-foxes is greatest when environmental conditions cause native blossoms not to flower and when food is scarce. Crops most affected are low-chill stone fruit, lychee, longan and rambutan, and other crops often damaged include persimmons, bananas, pawpaws and mangoes.

This amendment, and associated new code of practice, provides government with the greatest flexibility to strike a balance between conservation and agricultural production and will provide certainty for all sectors.

The government will continue to promote non-lethal controls (particularly exclusion netting) as a first response while recognising these are not always practical.

There is potential negative environmental impact on four species of flying-fox found in Queensland and the environmental values these species contribute to as forest pollinators. These species, the spectacled, grey-headed, little red and black flying-foxes, are protected under the Act. Both the grey-headed and the spectacled flying-fox are also listed as

Vulnerable under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This negative environmental impact will be mitigated through the prescriptions and standards detailed in the new code of practice and the limiting of numbers of flying-foxes that are able to be shot.

Consistency with fundamental legislative principles

The regulation is consistent with fundamental legislative principles.

Consultation

Commercial interest groups

- Growcom
- Bundaberg Fruit and Vegetable Growers

Government Agencies

- the Department of Sustainability, Environment, Water, Population and Communities (SEWPaC)
- the Department of Agriculture, Fisheries and Forestry (DAFF)
- the Queensland Treasury and Trade

Animal Welfare and Conservation Interests

- RSPCA Qld
- Wildlife Preservation Society of Queensland
- Bat Conservation & Rescue Qld Inc

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Environment and Heritage Protection.

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