

Code of Practice
Ecologically sustainable management
of flying-fox roosts
Nature Conservation Act
1992

Prepared by: Conservation and Biodiversity Operations Branch, Department of Environment and Science

Approved in accordance with section 174A of the *Nature Conservation Act 1992*

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1. Purpose and operation of this code

- 1.1 The purpose of this Code of Practice— Ecologically sustainable management of flying-fox roosts (**‘the Code’**) is to ensure that the chance of *management actions* under this code resulting in harm to flying-foxes is minimised and that appropriate welfare standards are upheld.
- 1.2 This code sets out how, in the course of undertaking *management actions* at flying-fox roosts in accordance with section 41A of the Nature Conservation (Wildlife Management) Regulation 2006, local government, may:
 - 1.2.1 destroy a flying-fox roost
 - 1.2.2 drive away, or attempt to drive away, a flying-fox from a flying-fox roost
 - 1.2.3 disturb a flying-fox in a flying-fox roost.
- 1.3 This code also applies to persons or local governments operating under a flying-fox roost management permit, where the permit requires them to comply with this code.

2. Prescribed methods for management actions

- 2.1 The Department of Environment and Science (DES) must be notified at least two business days prior to commencing any *management actions* by completion of the flying-fox roost management notification form on the DES website. However, management actions may be commenced earlier than two business days following completion of the flying-fox roost management notification form on the DES website if an *authorised person* gives written notice to that effect.
 - 2.1.1 This notification is valid for all dispersal activities conducted in relation to a roost within a two week timeframe from the date of notification, including dispersal activities conducted at a different location which are required to manage any impacts from dispersing the target roost.
 - 2.1.2 If commencement or continuation of activities is delayed beyond this two week timeframe, a further notification advising the new proposed commencement date and time is required.
- 2.2 No roost tree may be destroyed or modified 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.
- 2.3 All *management actions* must immediately cease, and DES be immediately notified if flying-foxes appear to have been killed or injured.
- 2.4 During *management actions*, any attempt to drive away flying-foxes:
 - 2.4.1 Must be properly coordinated to ensure all actions are lawful and in compliance with this code
 - 2.4.2 May only commence after advice from a *person knowledgeable about flying-fox behaviour*, or with such a person present
 - 2.4.3 May only occur in the early evening and/or early morning
 - 2.4.4 When being carried out in the early evening, must commence immediately prior to dusk ‘fly-out’ at a roost and continue for no longer than 2 hours
 - 2.4.5 When being carried out in the early morning, must commence immediately when flying-foxes start returning to a roost from foraging activities, and continue for no longer than 3 hours
 - 2.4.6 Must be limited to the non-lethal deterrence methods of smoke, noise, light, foggers, BirdFrite and ‘scarecrow’ type devices only.

3. Definitions

Act— the *Nature Conservation Act 1992*.

Authorised person— means any of the following—

- (a) the chief executive, performing functions under the Act
- (b) a public service employee of the department performing functions under the Act for the chief executive
- (c) a conservation officer who is not an employee of the department and who is performing functions under the Act for the chief executive.

Management actions— means non-lethal actions intended to stop flying-foxes from making use of a site or part of a site, and include destroying and/or modifying vegetation at a site, as well as coordinated action to drive flying-foxes away from a site.

Person knowledgeable about flying-fox behaviour— means a person able to demonstrate experience of, or a methodology for:

- (a) classifying flying-fox species
- (b) assessing flying-fox population numbers in particular roosts
- (c) identifying flying-fox breeding cycles including evidence of breeding and rearing activity in particular roosts
- (d) recognising signs of distress in, or harm to, flying-foxes.

Roost or flying-fox roost— means a tree or other place where flying-foxes congregate from time to time for breeding or rearing their young.