

PO Box 179
South Grafton
NSW 2460

15th December 2010

MR GARY DAVEY
Moonee Street
COFFS HARBOUR NSW

Dear Gary

**Proposal by the Dept of Education & Training (DET)
to disperse Grey-headed Flying-foxes**

I understand you are the person to contact in regard to the above issue, which is of concern to the Clarence Environment Centre. I am also led to understand that DECCW is waiting for further information from the DET before making a final decision on this proposed activity

I'm attaching a copy of a letter forwarded on our solicitors advice to the Federal Minister for the Environment. Also copies of Clarence Environment Centre's and the North Coast Environment Council's submissions against this proposal, for your consideration. Our solicitor's barrister is of the opinion that these and other submissions forwarded to the Federal Minister in response to DET's referral were not properly read or considered by the Minister's deputy. I'm hoping you will make your own judgment of this possibility.

The recently completed Maclean Flying-fox management strategy specifically identifies dispersal as a non-feasible option for managing this particular problematic flying-fox colony. As DECCW chaired the Working Group meetings and was the driving force behind the Strategy's development, it would be ironic if DECCW was now to approve DET's proposal for 5 years of active dispersals.

A referral to the federal minister should contain sufficient information to provide adequate basis for a decision on the likely impacts of the proposed action. This requires DET to provide the Minister with supporting evidence, reports, surveys etc, to help him reach his decision. Despite failure by DET to provide this support evidence, the deputy nevertheless determined that the action is unlikely to have a significant impact on Grey-headed flying-foxes as it will be undertaken outside their breeding season. Yet the approved mitigative measure of not disturbing flying-foxes after 31st October is well inside the breeding season of Grey-headed flying-fox. It is scientifically proven, and documented, that these animals can, and do, deliver their young in September, while pregnant females in their last trimester are known to abort due to stress any time after July.

The lack of 'significant adverse impact' is explained away by Clauses 18- 20 of the Minister's Assistant Secretary's Statement of Reasons, ie that less than 2,500 grey-headed flying-foxes will be disturbed. Yet the number of flying-foxes that denotes a viable population has never been scientifically ascertained. Hence this mitigatory measure in no way abides by the Precautionary Principle, as claimed by the consent authority. There is no consideration of the obvious facts that under this proviso many more flying-foxes across three species may be disturbed from the site; that infants carried by their mothers are not counted among the numbers, nor the impossibility of disturbing animals within the subject area without disturbing at least a good portion of animals within the remaining colony.

Despite the EPBC Act requirement that the minister considers only adverse impacts of a proposed action, it seems clear that in this instance the deputy has considered only the beneficial impacts the action will have for the Dept of Education and Training.

Not even the inevitable adverse impacts the action will have on residents in the secondary Maclean gully habitat have been considered.

The Clarence Environment Centre therefore urges you to abide by DECCW's own Flying-fox policy, to reject this proposal outright, and allow the plans devised by the recently approved Maclean Flying-fox Management Strategy to be properly tested.

Yours sincerely

Patricia Edwards
For the Clarence Environment Centre
Cc : Sue Higginson, Environment Defenders Office, Lismore

Copy re-forwarded for reference by email, May 2011