

# Code of Practice

Low impact activities affecting flying-fox roosts

*Nature Conservation Act 1992*

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**Human Rights compatibility**

The Department of Environment and Science is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this code of practice, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

## 1. Purpose and operation of this code

- 1.1 The purpose of this Code of Practice— Low impact activities affecting flying-fox roosts ('the Code') is to ensure that the chance of low impact activities 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 a person may undertake low impact activities at, or near, a flying-fox roost anywhere in the State of Queensland in accordance with section 62 of the Nature Conservation (Animals) Regulation 2020.
- 1.3 This code should be read in conjunction with the Flying-fox Roost Management Guideline and the Code of Practice – Ecologically sustainable management of flying-fox roosts.
- 1.4 This code is made under section 174A of the *Nature Conservation Act 1992* ('the Act').

## 2. Prescribed methods for low impact activities

- 2.1 No roost tree may be trimmed when there are flying-foxes near to the trimming (for example, within 10 metres).
- 2.2 Any trimming of roost trees must be limited to 10% (in any 12 month period) of the total canopy of the roost tree.
- 2.3 Low impact activities must immediately cease, and DES be immediately notified, if a flying-fox is killed, injured, or found on the ground as a result of *management actions* (email [wildlife.management@des.qld.gov.au](mailto:wildlife.management@des.qld.gov.au)). In this circumstance, *low impact activities* may only recommence after—
  - 2.3.1 the flying-fox has been removed by an *appropriately trained person*, and
  - 2.3.2 activities have been ceased for at least the remainder of the day, or, if activities are being undertaken by local government and a *person knowledgeable about flying-fox behaviour* agrees, after a minimum of 2 hours, and
  - 2.3.3 the *person in charge* determines that resuming *low impact activities* poses no risk to other flying-foxes at or near the roost.
- 2.4 Where *low impact activities* are required to be undertaken during the daytime, works must immediately cease and DES be immediately notified if 30% or more of the adult flying-foxes leave the roost and remain airborne for five minutes or more (email [wildlife.management@des.qld.gov.au](mailto:wildlife.management@des.qld.gov.au)). In this circumstance, *low impact activities* may only recommence after *low impact activities* have been ceased for a minimum of 2 hours, or, if activities are being undertaken by local government and a *person knowledgeable about flying-fox behaviour* agrees, at any time.
- 2.5 Any necessary installation, maintenance, or removal of infrastructure in close proximity to roost trees (e.g. fences, underground pipes, high-pressure hosing of footpaths), or mulching, mowing, weeding, or watering under or near roost trees, should be undertaken with as little disturbance to flying-foxes as possible (for example, using low impact and low noise equipment, or after the dusk fly-out is complete).
- 2.6 N.B. While *low impact activities* that are in accordance with this code of practice may be undertaken at any time of the year, the *person in charge* must consider avoiding *low impact activities*—
  - 2.6.1 where possible during certain periods of the year, for example—when females are in the late stages of pregnancy or there are dependant young (e.g. creched young, pups) that cannot sustain independent flight, and

- 2.6.2 during or immediately after climatic extremes, or weather events that may cause food shortages, such as periods of unusually high temperatures or humidity, cyclones, or fires, and
- 2.6.3 which may negatively impact the conservation of flying-fox species which are listed as threatened wildlife under the Act.

### 3. Definitions

**Act**— the *Nature Conservation Act 1992*.

**Appropriately trained person**— means a person with experience and training in safe handling of flying-foxes, who is appropriately vaccinated.

**Low impact activities**— means mulching, mowing, weeding, watering under or near roost trees, minor trimming of roost trees, and installation, maintenance or removal of infrastructure, where the activities are not directed at destroying a flying-fox roost, driving away, or attempting to drive away, a flying-fox from a flying-fox roost, or disturbing a flying-fox in a flying-fox roost.

**Person in charge**— means

- (a) if the *low impact activities* are being performed by a local government— the most senior local government officer on site and leading the *low impact activities* (or the local government officer directing a contractor to undertake the *low impact activities*); or
- (b) if the *low impact activities* are being performed by a person— the person on site who is leading the *low impact activities*.

**Person knowledgeable about flying-fox behaviour**— means a person, who may also be the *person in charge*, able to demonstrate experience in successfully:

- (a) classifying flying-fox species; and
- (b) assessing flying-fox population numbers in particular roosts; and
- (c) identifying flying-fox breeding cycles including evidence of breeding and rearing activity in particular roosts; and
- (d) recognising signs of (and circumstances which may result in)—
  - i) distress in flying-foxes, and
  - ii) harm to flying-foxes, and
  - iii) abandoned dependent young 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.

**Threatened wildlife**— means native wildlife that is prescribed under the Act as:

- (a) extinct wildlife; or
- (b) extinct in the wild wildlife; or
- (c) critically endangered wildlife; or
- (d) endangered wildlife; or
- (e) vulnerable wildlife.