

**From:** Williams Rebecca [Rebecca.Williams@ehp.qld.gov.au]  
**Sent:** Thursday, 12 December 2013 4:04 PM  
**To:** Mark Crawley  
**CC:** Ramon Jayo; Mike Joyce (Michael.joyce@ehp.qld.gov.au)  
**Subject:** RE: Release of Flying-fox roost management permit to third parties

Thanks Mark  
Appreciate the quick response.  
We will be pleased to attend the briefing.  
Regards and Merry Christmas  
Beck

RD Williams  
**Director Wildlife**  
Environment and Heritage Protection  
Telephone 07 33305512



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**From:** Mark Crawley [mailto:MCrawley@chartersowers.qld.gov.au]  
**Sent:** Thursday, 12 December 2013 3:58 PM  
**To:** Williams Rebecca  
**Cc:** Ramon Jayo  
**Subject:** RE: Release of Flying-fox roost management permit to third parties

Beck

Council has no objection to the release of its documentation as it relates to the FFRMP. Council, as always, remains accountable and transparent.

EHP Officers and the local vet and Wildlife Carer's were all on site for the relocation.

Council believes that this has been a successful relocation (first stage) and the use of the helicopters were the difference in the success of the operation when compared with many years of trying to relocate flying foxes without their use.

No fatalities or injuries were reported to Council or observed by specific Council Staff engaged as spotters during the four separate operations undertaken by Council officers. Council was aware of an adult and juvenile that fell during the operation (and prior to getting to that location) and Council's Vet attended within three minutes and gave clearance. The Carer advised that she would look after the flying foxes taken into care.

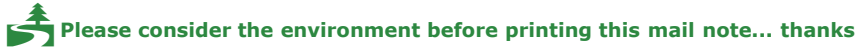
Council will be undertaking a briefing and will invite EHP officers to attend.

Should you require any additional information please advise.

Regards

**Mark Crawley | Chief Executive Officer**

**CHARTERS TOWERS REGIONAL COUNCIL**  
PO BOX 189 Charters Towers Qld 4820  
12 Mosman Street Charters Towers Qld 4820 Australia



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**From:** Williams Rebecca [<mailto:Rebecca.Williams@ehp.qld.gov.au>]  
**Sent:** Thursday, 12 December 2013 3:40 PM  
**To:** Mark Crawley  
**Subject:** Release of Flying-fox roost management permit to third parties

Dear Mark

Further to our conversation yesterday afternoon:

- EHP have had several request to release a copy of the Charters Towers Flying-Fox roost management permit (FFRMP).
- That as FFRMP refers to the council application and supporting documents, EHP believes that it would be appropriate for the supporting council documentation to be also released.

Consequently, I seeking councils' support for the release of:

- The FFRMP issued for the dispersal at Charters Towers.
- Council's supporting documentation.

Your earliest response would be appreciated.

Regards  
Beck

RD Williams  
**Director Wildlife**  
Environment and Heritage Protection  
Telephone 07 33305512



RTI DL RELEASE - EHP

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RTI DL RELEASE - EHP

**From:** Williams Rebecca [Rebecca.Williams@ehp.qld.gov.au]  
**Sent:** Thursday, 12 December 2013 4:26 PM  
**To:** Wildlife Management Unit DL  
**Subject:** update on: FFRMP's

Hello  
For your information  
Regards  
Beck

RD Williams  
**Director Wildlife**  
Environment and Heritage Protection  
Telephone 07 33305512



---

**From:** Oestreich Wade  
**Sent:** Wednesday, 11 December 2013 2:48 PM  
**To:** Williams Rebecca  
**Subject:** FFRMP's

Beck

There have been some questions about issuing councils FFRMP's to authorise non code compliant dispersal activities in an UFFMA (e.g Charters Towers and the helicopters). Specifically, the question has been whether the permit provides approval for the non-compliant activity only and the as of right continues, or whether the permit replaces the as-of-right.

When an FFRMP is issued to a Council in an UFFMA, it extinguishes the as-of-right and replaces it. As such, it is necessary to condition the permit to capture the relevant elements of the code.

**Wade Oestreich**  
**Director**  
**Business Reform**  
Conservation and Sustainability Services Division  
Department of Environment and Heritage Protection  
P: 3330 5393  
[www.ehp.qld.gov.au](http://www.ehp.qld.gov.au)

GPO Box 2454  
Brisbane QLD 4001

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**From:** Williams Rebecca [Rebecca.Williams@ehp.qld.gov.au]  
**Sent:** Wednesday, 18 December 2013 10:52 AM  
**To:** Armbruster Christine  
**Subject:** RE: Charters Towers Standard response copy

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**From:** Armbruster Christine  
**Sent:** Wednesday, 18 December 2013 10:45 AM  
**To:** Ufer Cathy; Carr Martin  
**Cc:** DLO EHP; Prior Katrina; Williams Rebecca; Hotchkis Debra  
**Subject:** RE: Charters Towers Standard response copy

Hi

CTS 29987/13 was finalised yesterday. In the attached doc – I have also updated the word proposed to designated referring to UFFMAS.

This is now the standard.

Let me know if you have any queries.

**Christine Armbruster**

Administration Officer, Business Support Services | Wildlife Management  
Nature Conservation Services

Department of Environment and Heritage Protection

Level 5 | 400 George Street | BRISBANE

**Tel** 07 3330 5820

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**From:** Armbruster Christine  
**Sent:** Thursday, 12 December 2013 1:10 PM  
**To:** Ufer Cathy; Carr Martin  
**Cc:** DLO EHP  
**Subject:** RE: Charters Towers Standard response copy

Cathy

Beck is progressing CTS 29987/13 – which will become the new standard response – please keep an eye out for it.

Thanks

**Christine Armbruster**

Administration Officer, Business Support Services | Wildlife Management  
Nature Conservation Services

Department of Environment and Heritage Protection

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**From:** Ufer Cathy  
**Sent:** Thursday, 12 December 2013 1:08 PM  
**To:** Armbruster Christine; Carr Martin  
**Cc:** DLO EHP  
**Subject:** RE: Charters Towers Standard response copy

Chrissie

I haven't sent any more standard replies since Monday 9 December 2013.

So I'll place the process on hold until a revised reply is approved by Troy Collings.

Regards  
Cathy

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**From:** Armbruster Christine  
**Sent:** Thursday, 12 December 2013 12:08 PM  
**To:** Carr Martin; Corro EHP Minister  
**Subject:** FW: Charters Towers Standard response copy

Can you please hold responses until I gain further info from Beck.

**Christine Armbruster**

Administration Officer, Business Support Services | Wildlife Management  
Nature Conservation Services  
Department of Environment and Heritage Protection  
Level 5 | 400 George Street | BRISBANE  
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**From:** Armbruster Christine  
**Sent:** Thursday, 12 December 2013 12:02 PM  
**To:** Williams Rebecca  
**Subject:** RE: Charters Towers Standard response copy

Hi Beck – I can't see where you have made the changes to CTS 29987/13sch4 - Personal information

Martin and Cathy

Beck has just picked up that the following sentence

Ultimately, it is within the local government's jurisdiction to determine when to conduct dispersal activities and what methods they would like to use.

In its current place in the standard response gives an untruth. As it is in the paragraph that talks about conditions/permit outside the code, whereas this sentence relates to methods that the Council can employ within the code.

We need to move it up to be after

I think we use this moving forward.

Kind regards

**Christine Armbruster**

Administration Officer, Business Support Services | Wildlife Management  
Nature Conservation Services  
Department of Environment and Heritage Protection  
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**From:** Ufer Cathy  
**Sent:** Thursday, 12 December 2013 10:14 AM  
**To:** Carr Martin; Armbruster Christine  
**Subject:** RE: Charters Towers Standard response copy

Fairly certain Martin's wording is the same as the response approved by Troy for use by MECU.

Regards  
Cathy

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**From:** Carr Martin  
**Sent:** Thursday, 12 December 2013 9:55 AM  
**To:** Armbruster Christine  
**Cc:** Ufer Cathy  
**Subject:** FW: Charters Towers Standard response copy

This is the version I have been provided; altered for DDG CSS signature.

Cheers,

**Martin Carr**

A/Project Officer | Office of the Deputy Director-General  
Conservation and Sustainability Services  
Department of Environment and Heritage Protection

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**From:** Armbruster Christine  
**Sent:** Thursday, 12 December 2013 9:54 AM  
**To:** Corro EHP Minister; Carr Martin  
**Subject:** Charters Towers Standard response copy

Hi Cathy U and Martin

Can you please send me a copy of the Charters Towers Standard response?

– Beck thinks I have an out of date version – just want to check

Thank you

**Christine Armbruster**

Administration Officer, Business Support Services | Wildlife Management  
Nature Conservation Services  
Department of Environment and Heritage Protection  
Level 5 | 400 George Street | BRISBANE

**Tel** 07 3330 5820

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RTI DL RELEASE - EHP



**From:** Williams Rebecca [Rebecca.Williams@ehp.qld.gov.au]  
**Sent:** Tuesday, 24 December 2013 8:34 AM  
**To:** Clare Geoff  
**CC:** Egan Sally (Sally.Egan@ehp.qld.gov.au); Prior Katrina (Katrina.Prior@ehp.qld.gov.au)  
**Subject:** FW: Request for Reasons Damage Mitigation Permit for Charters Towers

Geoff: Just a 2 bobs worth .... While we do SoR routinely for a lethal DMPs and assessment forms for lethal flying fox DMPS (for those I don't do a separate SoR) there is a bucket load of work to take that and then start putting up on the web. If you mean decisions re flying-foxes it still will be a bit of worth though less now because the new framework will mean less decisions.

Sally: the outstanding job which Kat knows about is the tables for the web on roost management.

Regards  
Beck

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**From:** Black Jon  
**Sent:** Monday, 23 December 2013 3:24 PM  
**To:** Clare Geoff; Armstrong Steve  
**Cc:** Williams Rebecca  
**Subject:** RE: Request for Reasons Damage Mitigation Permit for Charters Towers

Thanks Geoff – through me in this case, as I don't have a detailed understanding of this matter.

Jon

**Jonathan (Jon) PC Black**  
Director-General  
Department of Environment & Heritage Protection  
Queensland Government  
Level 13, 400 George Street  
Brisbane 4000  
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**Website** [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au)



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**From:** Clare Geoff  
**Sent:** Monday, 23 December 2013 1:56 PM  
**To:** Black Jon; Armstrong Steve  
**Cc:** Williams Rebecca  
**Subject:** RE: Request for Reasons Damage Mitigation Permit for Charters Towers

Update:

s78B(2) - Publication Prevented by Law

We will look into the resourcing side of that in January. FYI We have already committed to publishing summary information on roost management permits we issue as we already do for flying fox crop protection permits.

s78B(2) - Publication Prevented by Law

Response to EDO expected in week of 6 January, well within statutory period (by 17 Jan).

I assume response through you Jon, but happy to send on your behalf if you like. Either way I will provide the SoR for your perusal beforehand.

**Geoff Clare**

Executive Director  
Nature Conservation Services  
Conservation and Sustainability Services  
Department of Environment and Heritage Protection

P: 07 3330 5390

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E: [geoff.clare@ehp.qld.gov.au](mailto:geoff.clare@ehp.qld.gov.au)

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---

**From:** Black Jon  
**Sent:** Monday, 23 December 2013 10:44 AM  
**To:** Clare Geoff; Armstrong Steve  
**Cc:** Williams Rebecca  
**Subject:** RE: Request for Reasons Damage Mitigation Permit for Charters Towers

Noted - s78B(2) - Protected from Disclosure

s78B(2) - Publication Prevented by Law

Jon

**Jonathan (Jon) PC Black**

Director-General  
Department of Environment & Heritage Protection  
Queensland Government  
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**Email** [jon.black@ehp.qld.gov.au](mailto:jon.black@ehp.qld.gov.au)



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**From:** Clare Geoff  
**Sent:** Monday, 23 December 2013 10:30 AM  
**To:** Armstrong Steve; Black Jon  
**Cc:** Williams Rebecca  
**Subject:** RE: Request for Reasons Damage Mitigation Permit for Charters Towers

OK I'll check with Robert. But we do SoR routinely for such decisions as they are often of interest to other parties.

Geoff

---

**From:** Armstrong Steve  
**Sent:** Monday, 23 December 2013 10:26 AM  
**To:** Clare Geoff; Black Jon  
**Cc:** Williams Rebecca  
**Subject:** RE: Request for Reasons Damage Mitigation Permit for Charters Towers

Geoff

Hence maybe our response need not be in the form of a SoR.

s78B(2) - Publication Prevented by Law

Steve Armstrong  
Executive Officer, Office of the Director-General  
Department of Environment and Heritage Protection  
**Queensland Government**  
Phone: 3330 6304  
Mobile: 0429 878 526

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**From:** Clare Geoff  
**Sent:** Monday, 23 December 2013 10:22 AM  
**To:** Black Jon  
**Cc:** Armstrong Steve; Williams Rebecca  
**Subject:** RE: Request for Reasons Damage Mitigation Permit for Charters Towers

Email received Jon. Should be possible by tomorrow afternoon.

FYI we wouldn't normally expect someone to go through JR to get a SoR for a permit like this.

**Geoff Clare**  
Executive Director  
Nature Conservation Services

Conservation and Sustainability Services  
Department of Environment and Heritage Protection  
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[www.ehp.qld.gov.au](http://www.ehp.qld.gov.au)



---

**From:** Black Jon  
**Sent:** Monday, 23 December 2013 9:55 AM  
**To:** Clare Geoff  
**Cc:** Black Jon; Armstrong Steve; [jbragg@edo.org.au](mailto:jbragg@edo.org.au)  
**Subject:** FW: Request for Reasons Damage Mitigation Permit for Charters Towers

**To:** A/DDG-CSS

**Cc:**  
EO  
Principal Solicitor, EDO

Dear Geoff,

**RE: Request for Reasons - Damage Mitigation Permit for Charters Towers Regional Council**

Please see attached a requested from the EDO, on behalf of BCRQ, for a SoR under JR terms for the recent provision of a DMP to Charters Towers Regional Council to disperse flying foxes.

Can you please progress in accordance within the timeframe allowed. Please advise receipt of this request, and expected time to complete.

Thank you,

Jon

**Jonathan (Jon) PC Black**  
Director-General  
Department of Environment & Heritage Protection  
Queensland Government  
Level 13, 400 George Street  
Brisbane 4000  
**Telephone** 07 3330 6297  
**Email** [jon.black@ehp.qld.gov.au](mailto:jon.black@ehp.qld.gov.au)  
**Website** [www.ehp.qld.gov.au](http://www.ehp.qld.gov.au)

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**From:** Jo-Anne Bragg [<mailto:jbragg@edo.org.au>]  
**Sent:** Thursday, 19 December 2013 7:29 PM  
**To:** Black Jon  
**Subject:** Request for Reasons Damage Mitigation Permit for Charters Towers

19 December 2013

Mr Jon Black  
Director-General  
Department of Environment and Heritage Protection

Dear Mr Black,

Please see attached correspondence requesting reasons.

Yours faithfully,

**Jo-Anne Bragg**  
*Principal Solicitor*

*EDO-Logo-Inline-Extended-CMYK*



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**Best Wishes for the New Year: The EDO Qld office will be closed between 5pm Friday 20 December and 9am Monday 6 January 2014**

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**From:** Williams Rebecca [Rebecca.Williams@ehp.qld.gov.au]

**Sent:** Tuesday, 24 December 2013 3:30 PM

**To:** Clare Geoff

**CC:** Manchon Christophe; Egan Sally (Sally.Egan@ehp.qld.gov.au)

**Subject:** 131224 Statement of reasons\_Charters Towers FF dispersal (KM amendments)

**Attachments:** 131224 Statement of reasons\_Charters Towers FF dispersal (KM amendments).docx

Geoff

My statement of reasons for the Charters Towers DMP. Because of the change of legislative framework on the 29<sup>th</sup> November it is worth noting that the Charter Towers' dispersal was carried out under a flying fox roost management permit.

Whilst I have not followed the same format in the statement of reasons I would like to be clear that the issuing of that permit was based on the same reasons as the issuing of the DMP.

Regards

Beck

RD Williams

**Director Wildlife**

Environment and Heritage Protection

Telephone 07 33305512



RTI DL RELEASE - EHP

## STATEMENT OF REASONS

Statement of reasons provided pursuant to section 33 of the Judicial Review Act 1991.

<b>Applicant's name</b>	Charters Towers Regional Council
<b>Decision maker</b>	R D Williams, the delegate of the chief executive in accordance with the delegation given under section 141 of the <i>Nature Conservation Act 1992 (the Act)</i>
<b>Decision</b>	Granted
<b>Date of decision</b>	21/10/2013

### Introduction

On 16<sup>th</sup> October 2013, the Charters Towers Regional Council lodged an application for a damage mitigation permit (DMP) to enable the dispersal of the flying fox roost at Lisner Park, Charters Towers.

On 21st October 2013, after consideration of the material before me, I granted a DMP and signed a notice of decision to Charters Towers Regional Council confirming my decision.

### Relevant legislation

The *Nature Conservation (Wildlife Management) Regulation 2006 (the Wildlife Management Regulation)* chapter 3, part 4, division 2 governs the grant of damage mitigation permits (DMP) for animals as follows:

#### *S 181 Purpose of permit and div 2*

- (1) The purpose of a damage mitigation permit for animals is to allow a person to do an authorised act affecting a protected animal if the animal—
- (a) is causing, or may cause, damage to property; or
  - (b) represents a threat to human health or wellbeing.
- (2) The purpose of this division is to ensure the grant of damage mitigation permits to do authorised acts affecting animals does not adversely affect the conservation of the animals.
- (3) The purpose mentioned in subsection (2) is achieved by—
- (a) allowing the chief executive to grant a damage mitigation permit to do an authorised act affecting an animal only in limited circumstances; and
  - (b) limiting the activities that a person is authorised to do under a damage mitigation permit; and
  - (c) regulating the activities of persons acting under a damage mitigation permit.

#### *S 186 Restriction on grant of permit for threat to human health and wellbeing*

The chief executive may grant a damage mitigation permit for a threat, or potential threat, to human health and wellbeing caused by a protected animal only if the chief executive is satisfied—

- (a) there is, or may be, a threat to a person's health and wellbeing resulting from harm caused by the animal to the person; and
- (b) action under the permit will not detrimentally affect the survival of the animal in the wild; and
- (c) the proposed way of taking the animal is humane and not likely to cause unnecessary suffering to the animal;

Section 25 of the *Nature Conservation (Administration) Regulation 2006* (the Administration Regulation) provides that in considering an application I must have regard to each of the following

- (a) The impact the activities that may be carried out under the DMP may have on the conservation of the cultural or natural resources of a protected area or native wildlife;
- (b) The effect the grant of the authority will have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife;
- (c) Any contribution the applicant proposes to make to the conservation of nature;
- (d) Any relevant Australian or international code, instrument, protocol or standard or any relevant intergovernmental agreement;
- (e) The precautionary principle;
- (f) Public health and safety
- (g) The public interest
- (h) Whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation;
- (i) Any recovery plan for wildlife to which the authority applies. Nature Conservation (Administration) Regulation 1996 (NCAR)

Pursuant to section 25(2) of the Administration Regulation I may have regard to anything else I consider appropriate to achieve the object of the Act.

**Material on which the findings of fact were made**

In arriving at my decision I had before me the following material for consideration:

- The Act, the Wildlife Management Regulation and the Administration Regulation 2006
- Damage Mitigation Permit Application and supporting documentation submitted 16/10/2013
- Information from assessment report generated by Deb Hotchkis (A/Senior Wildlife Ranger).

**Findings of fact**

I assessed the application against the requirements of the legislation and made the following findings of fact: Conditions are included in the findings of fact.

<b>Legislative requirement</b>	<b>Finding</b>
Section 181 (2) of the Wildlife Management Regulation	Both species of black and little red flying-foxes are listed as least concern under the NCA with the little reds being the widest ranging of four main species of flying-foxes in Australia.
Section 181(1)(a) and S 186 (b) of the Wildlife Management Regulation	I am satisfied that the animals are causing, or may cause damage to because of the information provided in the application and the assessment ( being complaints and the history of human behaviour in response to the roost) and the history of the wellbeing of the residents



	being affected.
Section 186(c)	<p>I am satisfied the proposed way of dispersing the flying-foxes is humane and not likely to cause unnecessary suffering to the animals because the applicant has proposed the following measures in the dispersal plan to minimise the likelihood of a 'take':</p> <ul style="list-style-type: none"> <li>• The proposed method of dispersal is by sound, smoke, water and disturbance by movement in the trees by a paint ball gun. The intent is not to have direct contact with the animals.</li> <li>• Council has assured that the helicopter will be used only as a barrier to prevent flying-foxes from heading in an undesirable direction and will not be used to 'muster' the animals as previously described.</li> <li>• In the event of any accidental take dispersal activities will be suspended.</li> </ul>

### Additional matters I have taken into account

Section 25(1)(a) of the Administration Regulation	I consider that the dispersal will have no impact on the conservation of the species. The applicant has identified 3 potential roost sites within 10km of the existing roost predominantly along the Burdekin River and Gladstone Creek therefore the likelihood of the animals relocating to a suitable location is enhanced.
Section 25(1)(b)	There will be no effect from the grant of the authority have on the fair and equitable access to nature, having regard to, in particular, the ecologically sustainable use of protected areas or wildlife.
Section 25(1)(c)	There is no contribution the applicant proposes to make to the conservation of nature;
Section 25(1)(d)	There are no relevant matters in this section.
Section 25(1)(e)	The grant of the permit has taken into account the precautionary principle.
Section 25(1)(f)	I have had regard to public health and safety in considering S 181 (1) and in condition PB6.
Section 25(1)(g)	<p>I have had regard to the public interest in understanding the situation of the township but also that granting a DMP may cause others distress and that the flying foxes may form or go to roosts that also impact on public wellbeing or economic loss. In some scenarios that impact may be greater than the current situation. Removal of trees not feasible as the trees are heritage listed and restrictions are placed on the ability for CTRC to modify or remove them. The trees have been previously pruned.</p> <p>Council refers residents to EHP information on its website.</p> <p>Council has previously dispersed flying-foxes from the park.</p> <p>On balance I believe the granting of the DMP and the safe dispersal of the roost is the best outcome in the</p>

	public interest
Section 25(1)h)	I have established whether the applicant is a suitable person to hold the authority, having regard to the matters mentioned in schedule 2 of the Administration Regulation.

5. In the main, I accepted Ms Hotckis' assessment report. Matters to note from that report are

- The public interest test, NCAR s25 (1) (g). This matter was discussed with the Mayor, and as the town's elected leader I take his advice on that matter.
- I noted the recommended conditions and in the main accepted those. I did however require changes.
- The conditions of the Permit, their rationale and legislative base are in the table below.

• <b>Condition of Permit</b>	• <b>Rationale</b>	• <b>Legislative Base</b>
PB1: EHP staff may direct works not to start or cease.	Gives on ground staff capacity to respond to changing conditions or breaches.	• NC(WM) RS 186 (c )
PB2: Dispersal activities must be carried out in accordance with the Roost Management Plan submitted by CTCR on 16 October 2013. Where this document and the permit conditions conflict, the permit conditions take precedence.	Direct link with proposal. If methods outside those nominated gives direct link to cease if needed. Application is basis for determining that requirements met.	• NC(WM) RS 186 (c )
PB3 Morning dispersal activities must cease by 7 am and evening dispersal activities (if undertaken) cannot be commenced until 5.30pm. Dispersal activities must not occur during the day between those times	• Humane dispersal	• • NC(WM) RS 186 (c)
PB4 EHP officers able to enter where activities occurring.	• Capacity for oversight of the operation	•
PB5 If flying foxes disperse to a location is considered on reasonable grounds to be unsuitable by either Council or EHP , the permit holder must: <ul style="list-style-type: none"> <li>• Take reasonable action to disperse the flying foxes from the unsuitable location</li> <li>• Seek permission to enter the land from the relevant</li> </ul>	Mitigation strategy for outcome being less optimal in the public interest.	Section 25(1) (g) of the Administration Regulation

landowners where entry to land not owned by Council is required to carry out the necessary dispersal activity.		
PB6 A registered wildlife carer or veterinarian (against ABLV) must be on call at all times that dispersal activities are undertaken.	<ul style="list-style-type: none"> <li>If accidental harm happens then reduce the risk to the bats.</li> <li>If harm happens less risk in handling of bats</li> </ul>	NC(WM) RS 186 c Section 25(1) of the Administration Regulation
PB 7 A helicopter may be used as a barrier during dispersal activities only, where CASA has given approval for its use.	As this is a new technique aim is to minimise the potential for accidental take. CASA recognised authority.	<ul style="list-style-type: none"> <li>NC(WM) RS 186 (c)</li> <li>Section 25(1) of the Administration Regulation</li> </ul>
PB8: permit holder gives 48 hours notice prior to commencing.	Allows for staff to be organised so can oversee that action is carried out as per permit	NC(WM) RS 186 (c) Must be satisfied will be conducted humanely
PB9: Dispersal activities must immediately suspend and EHP notified if: <ul style="list-style-type: none"> <li>flying fox killed or injured, harmed or</li> <li>suffering unnecessary, unreasonable stress</li> </ul>	Indicators that dispersal is not be conducted humanely. Allows for assessment.	NC(WM) RS 186 c

**Reasons for making the decision**

I am satisfied of all the matters set out in section 186 of the Wildlife Management Regulation have been met and accordingly I was able to grant a DMP with conditions.

RD Williams  
 Delegate  
 Department of Environment & Heritage Protection

**From:** WILLIAMS Rebecca [Rebecca.Williams@ehp.qld.gov.au]

**Sent:** Sunday, 16 March 2014 1:27 PM

**To:** Armbruster Christine (Christine.Armbruster@ehp.qld.gov.au); Evans Lucy (Lucy.Evans@ehp.qld.gov.au)

**CC:** Prior Katrina (Katrina.Prior@ehp.qld.gov.au)

**Subject:** FW: Charters Towers Paintball movie

Chrissie: thank you for this.

Lucy: could you file both this email and the footage under the Charters Towers flying fox dispersal permit please

Regard

Beck

RD Williams

**Director Wildlife**

Environment and Heritage Protection

Telephone 07 33305512



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**From:** Armbruster Christine

**Sent:** Wednesday, 19 February 2014 4:13 PM

**To:** Williams Rebecca

**Cc:** Prior Katrina

**Subject:** Charters Towers Paintball movie

Hi Beck

Last Thursday 13 February, I became aware (via facebook) of a video showing dispersal activities in Charters Towers (I was later informed that these actions had been recorded during the December dispersal). I had presumed that you were aware of this footage.

It just came to my mind as it might explain the non exploded paintball pellets that EHP officers saw last week when they did the survey.

<http://vimeo.com/86496394>

I note from the video that it seems like there were 3 (presumably council officers) discharging paintball guns. However, I thought that the council had said that they only had 1 officer with a firearm license.

I note that the video is clearly edited, and does not show that the paintball actually hit any animals, in fact I find it interesting that there is no paint on the wings of the injured animals, which indicated to me that the holes were not a result of paintballs.

I know that during the dispersal there had been one incident where an EHP officer had to clarify to a council officer, not to aim the paintball gun directly at flying-foxes and I believe reports state that he had complied immediately.

I thought that as you should be aware of this before your meeting tomorrow.

Regards

**Christine Armbruster**

Administration Officer, Business Support Services | Wildlife Management

Nature Conservation Services

Department of Environment and Heritage Protection

Level 5 | 400 George Street | BRISBANE

**Tel** 07 3330 5820

[www.ehp.qld.gov.au](http://www.ehp.qld.gov.au)

ehp-email-signature



RTI DL RELEASE - EHP

**From:** WILLIAMS Rebecca [Rebecca.Williams@ehp.qld.gov.au]  
**Sent:** Wednesday, 30 April 2014 2:13 PM  
**To:** PRIOR Katrina; Mills Frank (Frank.Mills@ehp.qld.gov.au)  
**CC:** GAVIN David  
**Subject:** RE: Charters Towers Regional Council Investigation - Flying Foxes [SEC=UNCLASSIFIED]

Kat : I agree it provides a wonderful format for a response. Please copy and add to our project plan/ response to privacy report. At this stage we will put this in the investigation folder.

Frank: for discussion re investigation.

Regards  
Beck

RD Williams  
**Director Wildlife**  
Environment and Heritage Protection  
Telephone 07 33305512



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**From:** PRIOR Katrina  
**Sent:** Wednesday, 30 April 2014 2:03 PM  
**To:** WILLIAMS Rebecca  
**Cc:** GAVIN David  
**Subject:** FW: Charters Towers Regional Council Investigation - Flying Foxes [SEC=UNCLASSIFIED]

Hi Beck

FYI re: CASA. (Coincidentally, this provides a reasonable format to responding to requests for information regarding investigations we have conducted, such as we were discussing yesterday).

Would there be merit in approaching the council directly?

Cheers

Kat

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**From:** GAVIN David  
**Sent:** Wednesday, 30 April 2014 9:37 AM  
**To:** PRIOR Katrina  
**Subject:** FW: Charters Towers Regional Council Investigation - Flying Foxes [SEC=UNCLASSIFIED]

FYI

Dave Gavin  
Senior Project Officer  
Wildlife Management  
Nature Conservation Services Branch  
Department of Environment and Heritage Protection  
T: 3330 5363  
E-mail: [david.gavin@ehp.qld.gov.au](mailto:david.gavin@ehp.qld.gov.au)



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**From:** McLAREN, THOMAS [<mailto:tom.mclaren@casa.gov.au>]  
**Sent:** Tuesday, 29 April 2014 5:02 PM  
**To:** GAVIN David  
**Subject:** RE: Charters Towers Regional Council Investigation - Flying Foxes [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Mr Gavin,

CASA issued a low flying permit upon assessment of an application submitted by a local Operator. The permit had strict conditions to ensure operations were conducted safely. Alleged breaches of the conditions were reported to CASA and an investigation conducted. The investigation concluded late last month and appropriate action taken but as the matter involves individuals – pilots – details cannot be released due to Privacy Act provisions.

CASA will consider any future application for helicopter operations in Charters Towers to remove bats on its merits and will ensure all appropriate safety measures are taken. Ensuring the safe operation of aircraft is of the utmost concern to CASA.

Regards

**Tom McLaren**

*Regional Manager - North QLD Region*

Operations Division

CIVIL AVIATION SAFETY AUTHORITY

O +61 7 4042 3623 M Personal information 4042 3600

E [tom.mclaren@casa.gov.au](mailto:tom.mclaren@casa.gov.au)

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**From:** GAVIN David [<mailto:David.Gavin@ehp.qld.gov.au>]  
**Sent:** Tuesday, 29 April 2014 3:37 PM  
**To:** northqld  
**Subject:** Charters Towers Regional Council Investigation - Flying Foxes  
**Importance:** High

Good afternoon

My department issued a permit for Charters Towers Regional Council to disperse a flying-fox roost in December 2013 which included the use of helicopters.

I understand that CASA has investigated the helicopter actions during the dispersal.

I would appreciate it if you could confirm that the investigation has been completed and what the outcomes of the investigation were?

Best regards

Dave Gavin  
Senior Project Officer  
Wildlife Management  
Nature Conservation Services Branch  
Department of Environment and Heritage Protection  
T: 3330 5363



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RTI DL RELEASE - EHP