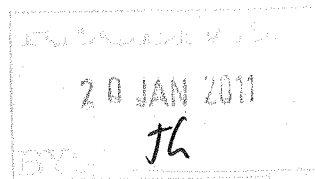


The Hon Tony Burke MP

Minister for Sustainability, Environment, Water, Population and Communities

317/570 -



C10/14097

4 JAN 2011

The Hon John Murphy MP  
Chair  
Standing Committee on Petitions  
Parliament House  
CANBERRA ACT 2600

Dear Mr Murphy

I refer to the letter of 17 June 2010 from the former Chair of the Standing Committee on Petitions, Mrs Julia Irwin MP, to the former Minister for Environment Protection, Heritage and the Arts, the Hon Peter Garrett AM MP, concerning a petition relating to the relocation of a species where there is a public health risk, in particular, Grey-headed Flying-foxes located at Maclean High School and the surrounding residential area. Grey-headed Flying-fox is a species listed as vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). As I am now Minister for Sustainability, Environment, Water, Population and Communities, your letter has been passed to me for reply. I regret the delay in responding.

The Australian Government's responsibilities under the EPBC Act include protecting certain defined matters of national environmental significance. These matters include world and national heritage properties, wetlands of international importance, nationally threatened species and ecological communities, migratory species protected under international agreements, nuclear actions, the Great Barrier Reef Marine Park and Commonwealth marine areas. In relation to environmental considerations, the government's involvement in any development proposal is confined only to these specific matters.

The Department of Education and Training recently submitted a referral for consideration under the EPBC Act to disperse the Grey-headed Flying-fox colony at Maclean High School. On 28 October 2010, my delegate determined that the proposal did not require further federal assessment as long as the action is undertaken in a particular manner. A notification of this decision has been placed on the department's website: <http://www.environment.gov.au/>. An earlier proposal to disperse the Grey-headed Flying-foxes was withdrawn by the Clarence Valley Council in September 2009.

As you would be aware, the EPBC Act has been independently and comprehensively reviewed by Dr Allan Hawke AC. Dr Hawke provided the former Minister for Environment Protection, Heritage and the Arts with the final report of his review on 30 October 2009 and it was publicly released and tabled in Parliament on 21 December 2009. The government is considering the final report of the review and remains committed to responding.

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One of the objects of the EPBC Act is 'to promote ecologically sustainable development through conservation and ecologically sustainable use of natural resources'. The principles of ecologically sustainable development include that decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations. Further, in making an approval decision under section 133 of the EPBC Act, I must consider social and economic matters, which would include relevant health and safety concerns.

Thank you for writing on this matter.

Yours sincerely

Tony Burke