

COMMONWEALTH OF AUSTRALIA

*ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999*

DECISION ON CONTROLLED ACTION, CONTROLLING PROVISIONS AND DESIGNATION OF  
PROPONENT

Pursuant to section 75 of the *Environment Protection and Biodiversity Conservation Act 1999*, I, GERARD PATRICK EARLY, First Assistant Secretary, Approvals and Legislation Division, decide that the proposed action, set out in the Schedule, is a controlled action; that the controlling provisions for the action are those set out in the Schedule; and designate Mr Rohan Bosworth as proponent of the action.

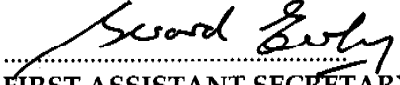
SCHEDULE

The proposed action to use an electrical grid system to take or destroy approximately 5,500 Spectacled Flying-foxes (*Pteropus conspicillatus*), in the period November to December 2002, to protect a lychee orchard at Dallachy Creek, Kennedy, Queensland, and as described in the referral received under the Act on 14 February 2002 (EPBC 2001/571).

The Part 3, Division 1, controlling provisions are:

- sections 12 and 15A (World Heritage).

Dated this 27<sup>th</sup> day of February 2002

  
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FIRST ASSISTANT SECRETARY  
APPROVALS AND LEGISLATION DIVISION  
ENVIRONMENT AUSTRALIA