COMMONWEALTH OF AUSTRALIA

ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

DECISION TO REFUSE APPROVAL FOR THE TAKING OF AN ACTION

Pursuant to section 133 of the Environment Protection and Biodiversity Conservation Act 1999, I, DAVID ALISTAIR KEMP, Minister for the Environment and Heritage, refuse approval for the taking of the following action:

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 (Reference: EPBC 2002/571). The action was proposed to be undertaken by Mr Rohan Bosworth.

This refusal for approval is for the purpose of:

- sections 12 and 15A (World Heritage) of the Environment Protection and Biodiversity Conservation Act 1999

Dated this 21st day of March 2003

[Signature]

DAVID KEMP