

# SEEKING YOUR SUPPORT FOR BAT APPEAL

*Please help in the legal battle to stop electrocution of flying foxes by supporting the Booth v Frippery Pty Ltd appeal*

## Details of the case

Late last year, a judge in the Planning & Environment Court dismissed a case brought by Carol Booth against a fruit grower for electrocuting flying foxes. The grower admitted in court to killing thousands of flying foxes without any permit from the Environmental Protection Agency (EPA), but the judge decided that this was allowed under the Nature Conservation Act.

On legal advice that the judge made numerous legal errors in his judgement, Carol has decided to appeal it in the Court of Appeal. The case will be heard on 27 February before three judges. Carol is represented by barristers Stephen Keim SC and Chris McGrath and solicitors Jo Bragg and Larissa Waters from the Environmental Defenders Office Qld.

Because the appeal will examine key provisions of the Nature Conservation Act, and has great implications for the way wildlife is protected in Queensland, the EPA has decided to apply to join the appeal.



## Why support this case?

Court cases can greatly advance nature conservation by deterring people from breaking wildlife laws, gaining a conservation-favourable interpretation of the law, and putting pressure on governments to progress reform. For example, the first case run under new federal environmental laws (Booth v Bosworth) was pivotal in having the use of electric grids banned, killings in orchards greatly reduced and attention focused on the plight of flying foxes.

The Booth v Frippery Pty Ltd appeal is an important test case. It is an appeal of the judgement in the first ever use of third party rights under the Nature Conservation Act and will require the court to interpret key provisions for the first time. It could strengthen the use of wildlife laws by clarifying when people are responsible for the death or harm of wildlife. The case is also important to preserve the capacity of the State to regulate the killing of wildlife as the judgement in the first case greatly undermined this capacity.

## How to donate

Money is needed in this case to pay court fees, transcript fees and some legal fees. The legal work to date has been done pro bono and further work will be done at reduced cost. Although legal advice says there are strong prospects of success, there is obviously the potential for the case to be lost and Carol to be liable for the court costs of the other side.

Tax-deductible donations can be made to the Environmental Defenders Office Qld) via a donation form [www.edo.org.au/edoqld/edoqld/new/membership%20form.pdf](http://www.edo.org.au/edoqld/edoqld/new/membership%20form.pdf), or a cheque can be sent to EDO at 9th Floor, 193 North Quay, Brisbane 4000. Please note on the donation that you “prefer the donation to be spent for the bat case”.

For further information about the case or how to support it, please contact Carol Booth on 0402 701 276 or [carol.booth@gmail.com](mailto:carol.booth@gmail.com), or EDO solicitor Jo Bragg on 3211 4466 or [jbragg@edo.org.au](mailto:jbragg@edo.org.au).