

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

INQUIRY INTO THE POTENTIAL ENVIRONMENTAL CONTRIBUTION OF RECREATIONAL HUNTING SYSTEMS

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 18 JUNE 2014**

SESSION ONE

Members

Hon Liz Behjat (Chairman)
Hon Darren West (Deputy Chairman)
Hon Nigel Hallett
Hon Jacqui Boydell
Hon Amber-Jade Sanderson
Hon Rick Mazza (Co-opted member)

Hearing commenced at 9.08 am

Mr COLIN SLATTERY

Director General, Department of Lands, sworn and examined:

Mr TONY RICHMAN

Manager, Strategic Policy, Department of Lands, sworn and examined:

Ms SANDRA ECKERT

General Counsel, sworn and examined:

Dr ROB EDWARDS

Project Officer, Department of Lands, sworn and examined:

Mr ANTHONY DeBARRO

Executive Director, Department of Lands, sworn and examined:

The CHAIRMAN: On behalf of the committee, I welcome you to the meeting. Before we begin, I need to ask you to take either the oath or affirmation.

[Witnesses took the oath or affirmation.]

The CHAIRMAN: You will have all signed a document entitled “Information for Witnesses”. Have you read and understood that document?

The Witnesses: Yes.

The CHAIRMAN: These proceedings are being recorded by Hansard. A transcript of your evidence will be provided to you. To assist the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record. Please be aware of the microphones and try to talk into them. Ensure that you do not cover them with paper or make noise near them. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today’s proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise that publication or disclosure of the uncorrected transcript of evidence may constitute contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Mr Slattery, would you like to make an opening statement?

Mr Slattery: Thank you very much. Thanks for the opportunity to be here today. I understand you want to spend the first 15 or so minutes talking about pastoral leases.

The CHAIRMAN: No, we do not. I am sorry; I should have made that clear to you. Given the time constraints and the fact that this committee has a different structure to our normal Standing Committee on Public Administration with Hon Rick Mazza having been co-opted onto the committee, we will just deal with the recreational hunting side of things this morning. We understand that yesterday you tabled in the Legislative Council the government response to the pastoral lease inquiry. We thank you for that.

Mr Slattery: Our opening statement is that the Department of Lands is a newly created agency, although it is an old function of the state government. It was created in July last year through a machinery-of-government change to create greater focus on land and tenure issues. The department is responsible for managing 92 per cent of the state, which is crown land in various different forms;

that is, pastoral leases, which make up about 38 per cent of the state. But what we are here to talk about today is the 36 per cent of the state that is unallocated crown land or unmanaged reserves, which equates to just under one million square kilometres of the state. Our team here have drafted the submission that we put in. It provides a range of ideas and suggestions and outlines the concerns the department has about accessing unallocated crown land and unmanaged reserves. I will ask Tony Richman, manager, strategic policy, to go through the main points of the submission, and then we would like any questions you may have in relation to that.

Mr Richman: Thank you, Colin. I am sure you have all had a chance to look through the submission; and, again, thank you for the opportunity to provide a summary, draw your attention to key points and respond to any other questions you might have by way of further clarification.

The department has a longstanding policy that when it is approached by individuals wanting permission to use firearms on the areas that we are talking about—on UCL and UMR—it does not grant permission. There are several key reasons for that that are elaborated on in the submission. I will take you through each of those, if I may.

First and foremost, our chief concern has always been our ability to guarantee public safety in the event that such permission is granted. We have quite a number of practical concerns about our ability to effectively regulate an arrangement that might be conducted on UCL and UMR. The areas involved are very large, as you might appreciate, or can be very large. We do not have any ready means of being able to know exactly who is and who is not present on those areas at any given time. There is always the potential for well-meaning individuals conducting activities to manage feral animal populations to come into conflict with other people who are legitimately or illegitimately present on the same area of land and going about their business. We included in our submission a table that was drawn from an entity in the United States to demonstrate some of the potential ranges of projectiles that are linked to the sort of calibres that might be used by people if these sorts of permissions are granted. It demonstrates fairly graphically that there are potentially large distances involved even for some of the smaller calibre weapons. We are talking immediately ranges of between one and five, or six, kilometres. With an inability to know exactly who is operating within a given area with those potential long ranges of projectile travel involved, we have always been quite nervous about our ability to effectively regulate and guarantee public safety if permissions of this nature were granted.

Our submission also includes other aspects of concern. We spoke briefly about potential problems arising from trespass onto other forms of land tenure. As you might imagine, in open areas, particularly vast open areas, the ability to know exactly where people are at any given time, unless they happen to be equipped with GPS-type equipment; and with the absence potentially of defining property boundaries and activities that involve chasing animals across the landscape, we believe that there is always a risk of trespass onto legitimate tenure held by other people simply because it could well be difficult to know exactly where that tenure starts and stops in the absence of any defining boundaries. Not all of the holdings involved in these unallocated crown areas and unmanaged reserves are completely boundary-fenced. Again, that is an issue that we feel needs to be drawn to your attention. There are other concerns about the legislation as it currently stands, including the Land Administration Act and the accompanying land management regulations which, in company together, effectively make it an offence for people to discharge firearms on crown land without formal permission from the minister or reasonable excuse and also to use those firearms to kill, injure or otherwise impact adversely on animals in these areas. The regulations refer to regulated areas and within the regulations “regulated areas” are defined to include all unallocated crown land and all unmanaged reserves and other areas of the state. If there were a move down this pathway, clearly there would need to be, in addition to some thought to the range of practical concerns regarding regulation and supervision and so forth in the field, some due attempt made to change the act and regulations to open up the possibility.

[9.20 am]

A further area of concern is the increasing impact of native title considerations over crown land of the state. As the committee would be aware, there are increasingly large areas of UCL and UMR that are either subject to native title claim or otherwise to determinations of native title. In many cases, the determinations grant exclusive possession to identified native title parties. With those determinations comes the right of those parties to conduct their traditional activities across those areas, which introduces another potential complication because individuals who might be seeking access to the same areas could potentially come into conflict with native title parties unless there are very clear communication protocols agreed to and adhered to rigidly so that, again, people do not just turn up in the same place and attempt to do different things for different purposes and come into conflict with each other accidentally.

I will give an opportunity to my colleagues to come in behind me and add any further comments that they wish to make. In essence, that is a very high-level overview of our chief concerns. Whilst we recognise that there are at least some examples of this type of thing going on in other Australian states, we believe that the onus needs to be on any proponents here in the west being able to demonstrate that all the concerns we have mentioned have been, or are able to be, adequately addressed before we see our way clear to change the existing policy stance.

Mr Slattery: I would just add, of course, that most things are possible given time, money and legislative change. In this particular case, if you are looking to access what is actually one million square kilometres of land, there would have to be quite a significant enforcement and regulatory regime to ensure that it was done in a safe and practical manner, and that all the issues that Tony has mentioned there, in terms of native title, engagement with other people who have a rightful law purpose to be on that land, such as prospectors, are fully protected and public liability is covered. So as I said, anything is possible, given time and money.

The CHAIRMAN: I am just wondering if, and you talked about how much land there is out there though, but if there was to be, for instance, a pilot scheme launched, where you had several trial sites, where recreational hunting was allowed, how would the department be able to manage or what difficulties would you be faced with? You would have to make some legislative changes, I would imagine, to even introduce a trial, but how would you envisage that working?

Mr Slattery: So in a way, you are absolutely right, there would have to be legislative change to occur to allow even any discharge of firearms on crown land; that it is not through a licensed purpose. So that would be a time delay per se in making it happen. That would probably allow the agency sufficient time to create a business case for funding and to put together a management structure to do trials, but that would be a cost impost onto the state government of course, and possibly would introduce a whole new licensing regime as well. So it would take quite some time I imagine to set up. This is being done in other states, as Tony has mentioned, in a very perfectly controlled way.

I should point out that there are a couple of ways that recreational shooters can get on to pastoral leases, as it were, and that is to work with the pastoral lessee in terms of feral animal control, where the pastoral lessee can control that situation. They can organise very well-managed shooting parties for the purpose of feral animal control, but there are no fees that can be paid in that particular situation. It is purely at the control of the pastoralists themselves. I should point out there are two shooting ranges on pastoral leases at the moment, which we point out in our submission. Both are very well controlled, where shooters can go on, pay a fee and actually in a very controlled situation undertake some recreational shooting. But it is extremely controlled, so there are fenced-off areas which are well marked; there are limitations to the number of people in a shooting party that can actually be there on the pastoral lease.

I suppose the main thing we are talking about here is the ability to actually regulate, control and protect would be quite significant. Even on a pilot or trial zone, there would be a significant amount

of legislative work and/or cost to the state government to actually implement that. I do not know exactly how much that would be, but I do note that agencies, such as fisheries and parks and wildlife have significant budgets to manage their particular regime to this moment in time.

The CHAIRMAN: Would you see it to be the function of the Department of Lands to manage that or would it be something that the Department of Parks and Wildlife perhaps would be managing?

Mr Slattery: I may ask Sandra that. The responsibility rests with the Department of Lands for management of crown land. Our agents—and we do use the Department of Parks and Wildlife to carry out services across the unmanaged reserves, estates and UCL, such as fire protection and so forth, so we would be responsible. It would be our agents that we would ask to do some of that supporting work.

Ms Eckert: A pilot would, as our director general has indicated, be possible in that you would be identifying a couple of areas, albeit that they might be large or two or three or however many. So as Colin has mentioned, it would then need to be managed in the same way as perhaps a pastoral lease does it or perhaps I assume that the Department of Parks and Wildlife does on their reserves. The difficulty, of course, is if the proposal were to then extend it broadly to UCL and UMR, because there would be controls around identifying particular areas, albeit that they were large, liaising with neighbours, putting up signs, liaising with the local council, possibly, I am not sure. One of the issues is prospectors' licences, based on people who have prospectors' licences have the right pretty much to go anywhere; so it would be how would we get the message out to prospectors for particular areas. So while pilot areas or controlled areas would be more feasible, there would be a huge quantum leap then to look at that as a pilot for opening up the rest of UCL and UMR.

The CHAIRMAN: With regard to native title—you touched on that—it could be that a future act might be triggered by any changes to that but I am just wondering so far has the department had experience with the process of securing indigenous land-use agreements in relation to any of your current land-management activities?

Mr Slattery: Certainly, that is very much part of the activities of the agency. In relation to even a pilot project, we would have to get native title clearance for that because we are changing the purpose for which the land is being used, and perhaps making it exclusive access, which is part of the issue that Sandra has talked about, is that other people have rights to come upon UCL and UMR. So it would be essentially a tenure change perhaps, which would trigger a future act, and that is something that the department manages in association with the Department of Premier and Cabinet.

Ms Eckert: Most of our ILUAs are for tenure changes—where, for example, we are issuing leases or licences. In more general management—because your question, I think, was about management activities—generally not, simply because we do not actively manage a lot of land; we do not have the resources to do that or that has not been our historical function. We administer the land as opposed to actively manage the land. So there are issues that the government is addressing around management activities, like feral and weed control and that sort of thing, and how that interacts, particularly with the term of native title rights, and especially exclusive possession native title rights. Our submission does mention particularly in the context where it is exclusive possession native title rights, that the consent of the owners—the traditional owners or the native title holders—would need to be obtained before any recreational hunting could happen on those areas.

The CHAIRMAN: I suppose, though, there could also be some provision there that perhaps some of the Aboriginal groups who are in those regions might see that as a business for them, and it could provide some economic benefit to some of the land-use groups. Do other members have questions?

[9.30 am]

Hon RICK MAZZA: Just on the Aboriginal land title and the fact that Aboriginal persons can hunt on crown land, they use firearms as I understand it to hunt on crown land, and you are saying it is

prohibited to discharge weapons on crown land. So how are Aboriginal persons able to discharge firearms; is it with a permission?

Mr Slattery: Yes.

Hon RICK MAZZA: If you could just hear me out on that one then, if you are allowed to discharge a firearm on crown land with permission from the department, and that is how Aboriginal persons are able to utilise their traditional hunting, what is stopping—from a legislative point of view—the grant of a licence for recreational hunting, including a permission from the Department of Lands to actually shoot on that land?

Mr Slattery: We do actually touch on some of that answer in the submission, but I will hand over to Sandra to talk about why and how Aboriginal people—traditional owners—can actually hunt for sustenance on UCL and UMR.

Ms Eckert: The permission—well, sorry, I am just working my way through it. There are a number of statutory legislative permissions for hunting. Section 104 of the Land Administration Act allows Aboriginal people to go on to obtain sustenance and I think it is their traditional and usual manner, that is in relation to pastoral leases. The Wildlife Conservation Act also allows Aboriginal people to do similar sorts of things. I have to confess I am not exactly sure, exactly, the categories of land that are covered by the Wildlife Conservation Act. There is also the rights under the Native Title Act for claimants and holders. So the permissions are based in existing statutes, and would constitute—under the Land Administration Act for use for UCL and UMR, it is an offence to discharge a firearm without, I think it is “reasonable lawful excuse” or “authorisation”—sorry, I will get the words out. Well, it is actually not with permission. It is with reasonable excuse or authority. The authority is the statute. They do not actually come to us—I mean, well, they could come to us —

Hon RICK MAZZA: Look, sorry to interrupt, but the point I am trying to make is that there is a fair bit of discussion about how difficult it would be to get new legislation through to enable people to be able to discharge a firearm on crown land, however Aboriginal persons are already doing that and it sounds to me like it is with authority from the department, so I do not know that it is going to be that difficult.

Ms Eckert: It is not with authority from the department, it is on the basis of authority under either section 104 for a pastoral lease, under the Wildlife Conservation Act or under native title rights or the Native Title Act. The permission is not from the department; it is a statutory authority or permission under those various pieces of legislation or their common law rights as native title holders.

Hon RICK MAZZA: I am a little intrigued as to why you went to a US entity to find out about ballistics, when there are lots of Australian websites that would give you details on ballistics. There are firearms being discharged on private land, on pastoral leases, every moment of the day, if you like, throughout Western Australia with very, very rare instances of accidents; so why is there such a big concern in this area?

Mr Slattery: I will touch on the pastoral lease aspects of it. We have been out talking to lots of pastoralists over the last month with the pastoral renewal program—it is about who is on the land. They have a lawful purpose to be out there grazing animals, producing animals and they use their firearms to control ferals, as it were, as part of a management tool. People who enter pastoral leases have to engage with the pastoralist to actually let them know that they are on the land, whether they be a mining company or such. It is increasingly the situation that people who are entering those lands are not notifying them, so there is an increased risk of accidental shooting perhaps. But what we are really talking about here is that if you have unlimited access to these areas, there are other people who will be upon the estate, which is quite large, for lawful purposes, whether it be mining companies doing exploration, prospectors out there, state government agencies and such that may

well be in the road. So unless it is regulated, unless it is controlled, there is a public safety aspect to it.

Hon RICK MAZZA: Has the department actually looked at the New South Wales system at all, because with the New South Wales system there is a booking system and the requirement for a GPS to make sure that you do not wander on to tenures. Is that something you have actually looked out?

Mr Slattery: We did quickly review these things before we put this submission in, but I will just confirm with Tony.

Mr Richman: Yes, the director general is quite right. We did give a quick insight into what else was going on, on the eastern seaboard. I guess we acknowledge that they have made some attempts to get the same sort of thing in place. We have not spent an inordinate period of time unpacking every particular detail of exactly what they do and how they address the issues that we have raised. I guess if there is a serious move towards this sort of proposal, we would need to do some follow-up work to try to better understand all of that. I guess our position, as I said right at the beginning, a long-held position, is that some of these arrangements occurring on the eastern seaboard are relatively recently implemented and what we are all flagging is the possibility that there may need to be some change in position over time. At this point, I guess our submission simply reflects what we believe are legitimate concerns that would need to be addressed before anything was done to implement a similar arrangement here in Western Australia.

Hon DARREN WEST: Just following on somewhat from Hon Rick Mazza's question, you touched on that Aboriginal people have the authority to discharge firearms and hunt for sustenance on that land. Who else is able to get permits or permission? What other sorts of general groups of individuals are able under current legislation and current arrangements to get permission to discharge firearms and hunt on unallocated crown land?

Mr Slattery: I will actually ask Sandra on that one, but there are a range of state government agencies who have the capacity to undertake control activities on UCL and UMR on our behalf. Can you answer that question, Sandra?

Ms Eckert: Well, obviously in relation to conservation reserves under the care, control and management of the Department of Parks and Wildlife, I assume that they undertake firearm activities as opposed to other feral animal control activities. Perhaps the Department of Agriculture would occasionally undertake some activities on our behalf.

Mr Slattery: Certainly, the Department of Agriculture and Food do undertake licensed feral animal control as well. They do have people out in the landscape—not many—where they do undertake activities.

Hon DARREN WEST: What about commercial shooters? Commercial roo shooters; are they able to get permits under this system or are they under a different set of laws?

Ms Eckert: They are not managed by us, that is why we are having hesitation in answering the question, not because we are being difficult. I think they are actually managed through the Department of Agriculture and Food.

Hon DARREN WEST: So pretty much everyone who for whatever reason goes on to UMR or UCL at the moment has some connection back through another government agency; it is really the only way that they can go on to these—I am just trying to get where it is at the moment and get in my head what would need to be changed. There is no avenue at the moment for the Rossmoyne sporting shooters club to have an arrangement with your agency or another agency to go and recreational hunt in UCL or UMR as things stand today?

Ms Eckert: I am aware that there is at least one managed reserve somewhere in, I think, the agricultural or south west area, being Geraldton down to Esperance. Somewhere in that area, there is at least one managed reserve for a shooting club, which is for targets. In fact, I think this

particular one has come to my attention because they are not actually using it for that purpose. They are not using it and that is causing other difficulties, but that is by the by. There are managed reserves for shooting clubs, but they are for target; they are not recreational hunting. So other than the one on the pastoral lease, and I believe it is one rather than two although Colin mentioned two—well there is one mentioned in our submission—I am not aware that there are any outside of the pastoral leases, or those, sort of, managed shooting ranges in terms of open-range hunting.

[9.40 am]

Hon DARREN WEST: That is all good; it just gives us a bit of background. In that example where the Department of Agriculture would have commercial shooters or people culling feral animals or DPaW would have people who have gained access via it, and we touched on that people can go on to a pastoral lease and enter into an arrangement with the lessee, but clearly for me liability is probably the biggest issue in all of this; so who is responsible under those circumstances? The government agency would no doubt be responsible for anything that was to go wrong or to happen and the outcomes of individuals who had gone on the land and discharged firearms under their watch, does the same apply to pastoral lessees? Are they responsible if they allow Joe Blow to come on and shoot a few roos and camels and whatever the case may be? Who is actually ultimately responsible; is it your department, the government agency or the pastoral lessee themselves?

Mr Slattery: That is a discussion we are having with pastoralists at the moment—the definition of the liability. At the moment, they are liable for anything that they do, their agents do or people that they invite upon the pastoral lease do. They are responsible for anyone that is within their control essentially. Those who enter without entering into an arrangement with the pastoralist, that is not their liability, nor is it the state's liability because they are not entering with appropriate permission.

Hon DARREN WEST: So individuals enter at their own risk.

Mr Slattery: They do, indeed; but also that can bring in a whole range of others.

Hon DARREN WEST: Absolutely. I think we all went to the same place there.

Ms Eckert: I was going to say that the difficulty is that it is not just about liability, but it is about people actually getting hurt. There are anecdotal stories of people being on pastoral leases without the pastoral lessee knowing. The pastoral lessee is out mustering stock and firearms are being discharged and there have been near misses and that sort of thing.

Hon DARREN WEST: I would imagine that 95 per cent of people do the right thing. It is just that we need to be very careful when we are planning. There needs to be some accountability and control. I do wonder how that might be achieved. That is it from me.

The CHAIRMAN: I just want to clarify a couple of points. Obviously, from your submission, the opening line says that the Department of Lands is opposed to recreational hunting. You have put your position upfront to us and nothing that you have said today would seem that you are going to move away from that opinion. As you know, we like to think that it is government that makes decisions rather than departments, but in the real world perhaps it is not that way—sometimes. I wonder, do you not see, if there was to be a scheme of this nature introduced into Western Australia, that there may be some quite significant economic benefit in relation to moneys that could be raised with tourism ventures starting up, and then, also, the benefit in relation to the assistance in mitigating the feral animal problem in Western Australia?

Mr Slattery: I will answer your first question. We are definitely a creature of the government.

The CHAIRMAN: I know. I was joking *Yes Minister*–like!

Mr Slattery: As I said, anything is possible given time and money. If government were to make the decision that recreational shooting and the benefits to the community and feral animal management, as you said, were appropriate and it was going to provide the legislative framework and the funding for our agency to do it, then absolutely any agency of government would do that. What we are

pointing out is that currently, as it stands, the risk seems to well outweigh the rewards, because it is not in a managed situation, and it is quite complicated. We would be able to manage the situation if it became an imperative of government to do so, but we like to do what is a normal business case approach to it, looking at the costs, the benefits, the environment impacts and so forth that go with it and present a case in support of that particular instruction or strategic direction from government. However, I just point out that it is quite an expensive exercise. For Fisheries, it is around about \$44 million a year for enforcement and education that they have budgeted. The Department of Parks and Wildlife has a significantly larger budget for those activities. In a large-scale exercise, it would be very expensive to manage with perhaps a significant growth for the Department of Lands, which is not always a bad thing. That is what we are saying. Currently, as it stands, the legislation does not really permit it. There are significant implications that can be addressed, but there are significant implications. I point out that, sort of, the motto of the department is unlocking the potential of crown land for the benefit of all Western Australians; so, if government made that decision then we would do our utmost best to implement it, but it would have to be well-resourced and there would have to be a recognition of the significant amount of time to bring it to bed, if it was applied.

The CHAIRMAN: I think it has been applied in other states, where they have these systems in place, and it is easier to manage just because of the difference in size and other states are looking at much smaller areas and the vastness of Western Australia is one of the problems that we face.

Mr Slattery: It certainly is an issue of scale. It is also an issue that significant portions of the state are under native title determination or claim, so that introduces a bit more of a complicating aspect to it. We are certainly looking at legislative change ourselves to bring ourselves into alignment with the Native Title Act to sort out a few inconsistencies at the moment.

The CHAIRMAN: Are you aware of how they dealt with the native title issues in the other states and the systems they introduced there?

Mr Slattery: I have not specifically got that information. I will just look to the team. My understanding was that native title had been extinguished on some of the areas that they were utilising, but we would have to confirm that.

Ms Eckert: Madam Chair, in answer to your question, for me the answer is no; I cannot speak for the other members who put the submission together more fully. I do know that in New South Wales, the leases in the western districts—western land leases I think they were called—are essentially the equivalent of our pastoral leases, extinguished native title. There was a High Court decision some years ago.

Hon AMBER-JADE SANDERSON: Was that for all of those leases?

Ms Eckert: Yes.

Hon DARREN WEST: So they are like a perpetual-type arrangement, are they?

Ms Eckert: I do not know whether their system operates over those types of leases or whether it is the equivalent of our DPaW reserves. I do not know the system well enough to make comments about that.

The CHAIRMAN: Hon Nigel Hallett has joined us.

Hon NIGEL HALLETT: First, I apologise for being late and coming in on the tail end. How much time has been spent on working out how we can make this work in areas that would be available, instead of telling us why it cannot work across the whole lot?

Mr Slattery: Thank you for that question. What we are stating here is the current situation. We have not expended significant effort determining how you could do it, because of the priorities of the organisation. In the beginning I was saying that we are a newly created agency and we have some key issues and a reform agenda. They are our priorities in making the Department of Lands a fully functioning agency that supports the development of Western Australia. They are our

priorities, so we have not put a significant amount of effort in how you could solve this one, other than I pointed out that it is possible, with legislative change and funding, that we can actually do these things; then we have to be able to manage the risk as Hon Darren West was pointing out before.

Hon AMBER-JADE SANDERSON: You touched on the costing and that it would be a very expensive exercise. It is not government policy to implement this, so I understand that you would not have done any detailed work, but has there been any initial work or modelling done on the cost-benefit basis of this sort of activity?

Mr Slattery: No, we have not done any full modelling. That would be quite an extensive exercise. We certainly would like to learn from what happens in the eastern states, which could well be a good trial for what actually happens.

Hon AMBER-JADE SANDERSON: In relation to native title, for those traditional owners who do have the rights to hunt for personal sustenance, is there a prohibited list of animals that they are not allowed to hunt or is it just all animals?

Mr Slattery: We may not have exactly that.

[9.50 am]

Ms Eckert: I do not know the answer to that off the top of my head. I am not sure. I think, for example, that they are required to comply with, for example, the Firearms Act and get a licence, but how far it extends in terms of prohibited wildlife and that sort of thing, I do not know the answer.

Mr Slattery: That is not legislation that we actually implement, but I understand it is clearly detailed in the legislation that does that

Hon RICK MAZZA: I have one or two other questions, if I can, please, Chair. When you say that it would be expensive to implement, yet you have done no modelling or anything, it is purely an assumption that it would be expensive; do you agree?

Mr Slattery: It is a little bit more than an assumption. I understand that the Department of Fisheries undertakes a fairly extensive enforcement and education program for the fishing industry, and the fishing industry has a few opportunities to regulate and manage it that would be better than us in that boats have to land at a certain boat ramp point, so there are natural collection points where Fisheries officers can work out what people have caught and can enforce it and they are patrolling as well. That is about \$44 million in the Fisheries budget per year to undertake that sort of activity. We are talking about a much larger area, of course, and the fact that people can simply drive into it means the access points are unlimited.

Hon RICK MAZZA: These assumptions are basically that the Department of Lands will be the one managing the licensing system.

Mr Slattery: We would have to be involved in creating the appropriate tenure and access systems for getting on to unallocated crown land, because then it would become a land that has a purpose and behind it there would be a tenure change of some kind, perhaps, if I am correct in that way, licensing regimes to get on to unallocated crown land and UMR.

Ms Eckert: Yes, we would have to think about how to do it.

Mr Slattery: As I should say, we have not done the full business case to explore this.

Hon RICK MAZZA: The reason I asked is because in other states it is actually the department of primary industries or the agricultural department that manages and administers the licensing system.

Ms Eckert: Which is effectively, I think, what they do currently with the commercial shooters. I do not know whether they license them as such.

Hon RICK MAZZA: They have a professional kangaroo harvester's licence. I am interested that you have assumed that the department is actually going to manage the thing.

Mr Slattery: We would have to be involved because it is happening upon land which we manage. There would have to be a transfer of management responsibility to another agency to undertake that activity. I will just point out that fundamentally everything starts with land and we are engaged with that. These are unallocated crown and unmanaged reserves that is the most basic tenure of the state and as it transfers to some other use, we are engaged with that.

The CHAIRMAN: I understand what you are saying about the history of that need to check that fishers only take their bag limits and what is a protected species, but this is a system that we have talked about being introduced insofar as helping to eradicate feral animals, so one would assume, I am assuming—this is very much unknown territory for all of us—that there would be no bag limits on the number of feral animals. I suppose the only checks and balances you would need is to ensure that there are no other species other than feral animals being taken by hunters.

Hon AMBER-JADE SANDERSON: That is a significant issue.

The CHAIRMAN: That is what I am saying, yes.

Hon AMBER-JADE SANDERSON: And human beings.

The CHAIRMAN: No bodies in the back of the car.

Hon AMBER-JADE SANDERSON: Yes, quite important.

Mr Richman: Madam Chair, if I could just add to that; as well as those sorts of issues there would also potentially be issues around the animal welfare-type compliance, which is increasingly a major issue for all of us. I know from time spent in a former role with the Department of Agriculture and Food, it is a major focus for them and there is a lot of effort and time and money spent trying to ensure the legitimate eradication activities or control activities that they currently conduct also comply with the codes of conduct. I am talking about ensuring that the appropriate calibre of weapons has been used in the appropriate situation to avoid undue harm, undue stress, undue suffering to target animals and all of that sort of thing. That is another dimension that would need to be considered in any sort of pilot program eventually put into place. It is a not an insignificant area of concern for an increasing number of people across the broader community.

Hon NIGEL HALLETT: The Victorian government is now looking at trying to create hunting as part of a fairly strong tourism industry and the figures on that look very imposing as far income for the state. Have you looked at Canada and New Zealand to get a broader picture on actually doing it, how they do it, instead of putting all these roadblocks up all the time?

Mr Slattery: We have not gone into a full business case approach on how you can actually achieve this, nor has the government actually asked us to do that. As I said, we are creatures of the government and if the government decides that it wishes to investigate the economic potential of this and all the other environmental and social aspects that come with it, we will probably be doing that with a range of other agencies, as maybe a taskforce across government to look at it.

Hon RICK MAZZA: I accept that but at this early stage we have to be careful that we are not making assumptions or using anecdotal evidence when considering this. I am a little bit concerned at the moment that there has not been thorough investigation, but there are a number of assumptions being made. That is something that I am very concerned about.

Hon AMBER-JADE SANDERSON: I think it is unfair to call them assumptions; they manage the act and are experts in the field. I think that is a big stretch.

Hon RICK MAZZA: Some are.

Hon JACQUI BOYDELL: I think you have to recognise the framework that you would have to put in place to manage something like that from an agency perspective. That is not an assumption in my mind; that is a legitimate fact.

The CHAIRMAN: I think the director general was quite right when he said that he has not had any instruction from government.

Hon RICK MAZZA: I appreciate that, but I still believe there are a number of assumptions being made.

Hon JACQUI BOYDELL: I think that is partly our job, Rick.

The CHAIRMAN: Members, I think that we can have that discussion amongst ourselves.

Hon DARREN WEST: I think the director general had another point to raise.

Mr Slattery: The submission is based around the information that we have to hand. It is based on the legislative frameworks that we have and what is current practice.

The CHAIRMAN: We fully appreciate and understand that you do have those constraints that you are working under. Thank you, so much, for coming to us today. You are the first group that we have had a public hearing with in the course of this inquiry and at some stage it might be that there are other things we might want to follow up with you, which may be by way of letter or perhaps another quick hearing, and I am hoping you will be able to make yourself available if that is what the committee determines.

Mr Slattery: It will be our pleasure; as the new Department of Lands, we are very keen to engage.

Hearing concluded at 9.58 am
