

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

INQUIRY INTO THE POTENTIAL ENVIRONMENTAL CONTRIBUTION OF RECREATIONAL HUNTING SYSTEMS

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
WEDNESDAY, 20 AUGUST 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 9.18 am**Mr GLENN SHAW****Land Unit Manager, South West Aboriginal Land and Sea Council, sworn and examined:****Mr JUSTIN McALLISTER****Joint Management Coordinator, South West Aboriginal Land and Sea Council, sworn and examined:**

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

[Witnesses took the affirmation.]

The CHAIRMAN: You will have 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. Try to talk into them and ensure that you do not cover them with papers 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.

The council made quite a detailed submission to the inquiry. Do you want to make an opening statement?

Mr Shaw: Justin prepared the submission, so I will let him open for us.

Mr McAllister: Thank you very much for having us here. It is nice to see everyone. Our letter fairly well summed it up, but there are a couple of major points that are worth reiterating. Firstly, from what we can see from the study we have looked at and from the other submissions we have read, we are not convinced that there is clear evidence that the recreational hunting of feral animals on crown land produces any measurable environmental outcomes. Second—and, in a sense, more importantly—the really important point that we need to make today is that recreational hunting by the general public should not be confused with customary hunting by Aboriginal people because they are vastly different activities. Traditional hunting for Noongar people is part of a whole suite of cultural activities that are intrinsically linked to the spiritual and emotional wellbeing of the Noongar people. Currently we have good relationship with DPaW on crown land, but not so much with the Department of Lands. As you are probably aware, the Noongar people have the right to undertake hunting of natural fauna on a conservation estate. This has been proceeding under the Conservation and Land Management Act for more than 12 months now. It seems to be managed quite well. We are fully supportive of that. Obviously, native title negotiations are going on, but there are currently six native title claims over Noongar country in the south west and traditional

hunting is one of those native title rights. I am sure you are aware that there is negotiation going on with the government to resolve native title in the south west and one of those components is designing a land access regime that provides Noongar people with ongoing access to country. Part of that regime is to be able to take animals, especially native fauna, for the long-term future as well. One of the things that we have been very careful about in the negotiations is ensuring that if we go to court and there is a successful native title outcome, the rights of hunting, fishing and camping et cetera be enshrined for Noongar people going forward into the long-term future. What concerns us about this is that having a proliferation of other people on the estate using firearms could have a negative effect on the ability of Noongar people to undertake their customary activities. We are not really that interested in going into the pros and cons of safety et cetera. That is a matter for the authorities. However, what we are clear about is that we do not want to see the ability of Noongar people to hunt on the conservation estate and other crown land, which as far as other crown land goes, there will not be any hunting under these deals because of the way the water access deal is working out and also the licence to go onto unallocated crown land and unmanaged reserves, there will not be a right to use firearms. Essentially it is a conservation estate that we are really concerned about. That is the main point and the differentiation between it is not recreational hunting and cultural maintenance and therefore it should be in a completely different category from people who want to use firearms on the conservation estate.

Mr Shaw: For me a further consideration is that if a program is introduced, it would need to be scrutinised prior to introduction to see whether, in fact, it would trigger a future act under a native title act because it impairs or impinges on the rights of the native title claimants. With that comes a swathe of due process that has to be undertaken, including comprehensive consultation with the traditional owner groups and so on. Over the last few weeks I have read a lot of information about similar activities in other states, particularly in the Dunn report. It appears from what they say, which is what Justin said, there is no sound scientific evidence to prove that the practice of recreational hunting with regards to animal control has necessarily been effective. They also raise the question, which was also raised by DPaW, whether such a program would fit in with the best use of resources with regard to managing feral animals. Given that government budgets are finite, you generally have to take program funds away from one area and allocate them to another area and that may in fact impact on any positive effect that the DPaW program and the Department of Water and Water Corporation programs are having. It goes to the balance of what is being provided to ensure that you maximise the effect of the program once it is rolled out.

The CHAIRMAN: I am glad you recognise that the resources of government are finite! Given the requests the government gets, there are not too many people out there who share those views. You know that there are recreational hunting systems in New South Wales and Victoria. Are you aware of what happened when those systems were introduced and what impact they had on native title negotiations and the triggering of future acts? They seem to coexist quite well in those states. Do you have any knowledge about those?

Mr Shaw: Not specifically, no. My reading has been limited to the review, which was the report in NSW as to the effectiveness, which did not necessarily go into what happened in the lead up to establishing the program.

Mr McAllister: One further point—I am sure DPaW has made this point—is that under the Conservation and Land Management Act, the second highest management order of DPaW is to protect and conserve the value of the land to the culture and heritage of Aboriginal people. There is a legislative requirement that any activities that DPaW undertakes do not have a detrimental effect on Noongar people's cultural values and a very strong cultural value in the south west for Noongar people is the ability to take a kangaroo and feed the family et cetera. That is something that is very important and that gives the Noongar people a lot of comfort going forward especially in the context of the native title negotiations.

The CHAIRMAN: Do you think that there could be some tourism benefit for the Noongar people if a recreational system were introduced into Western Australia? Perhaps the Noongar people themselves could conduct recreational hunting activities in conjunction with tourists who want to engage in those?

Mr Shaw: I do not think that has necessarily been considered as yet. Most of the discussions around that issue relate to cultural tourism activities rather than activities such as that. They have in the discussions we have had with the community focused more on the customary hunting rights rather than recreational hunting rights. They have not connected the two necessarily. At this point there is no-one who has made the leap to link recreational hunting to an economic one.

The CHAIRMAN: Are you able to extend the customary rights of the Noongar people into tourist activities or are they strictly only for Noongar people?

[9.30 am]

Mr McAllister: Strictly for Noongar people. The way the legislation works, as we read it at the moment, is because they are traditional activities; activities for financial reward probably fall outside of that area. Having said that, there is also, sort of, DPaW policy out there saying—we get into the management planning cycle and joint managing et cetera—that there is the ability for Noongar probably to undertake customary cottage industries and stuff like that, But I find it a really long stretch to know that anyone would be conducting, sort of, hunting; I just cannot see it happening. If you are a traditional person out there, you are taking a kangaroo for your family and there are certain rituals you undertake when you do it et cetera, and there are certain ways you have to go about it, as opposed to doing it for financial reward. Not only that, if you have a look at DPaW, they are extremely stringent with their licensing requirements and stuff like that. It just seems like it would be just too hard, and I just cannot see it happening.

Mr Shaw: It goes to the defence and section 103A of the CALM act, which says that a customary activity is for a non-commercial purposes; it is for self-sustenance. The defence under the CALM act limits the level of activity you can have in regard to hunting.

Mr McAllister: I would probably even go one step further and say that there is a far greater chance for cultural tourism and walking through the bush and taking bush tucker and those sort of low-impact acts, and they would be more financially viable in the long term as well. So, yes, we cannot see that as a real possibility.

The CHAIRMAN: Is the term bush tucker confined to flora rather than fauna?

Mr McAllister: When I say it in that term, it was, yes. That is sort of the passive, just collection of —

Hon AMBER-JADE SANDERSON: I think an extension of that question is whether there is a potential limiting of tourism opportunities for traditional owners if you were to introduce recreational hunting like that?

Mr Shaw: Yes. The counter to recreational hunting is limitations on access to the country where the hunting is occurring. One of the concerns the Land Council has is that the rollout of the program would have the high possibility of limiting the access of Noongar people to undertake their customary activities because of the recreational hunting in specific areas. That sort of impact is something the Land Council would not support in any way, shape or form.

The CHAIRMAN: Thank you, gentlemen; that concludes your evidence for today. The transcript, as you know, will be sent to you, and your written submission will form part of our deliberations when we get to that point. I appreciate you taking the time today.

Hearing concluded at 9.32 am
