
From: Laura Timmins
Sent: Friday, 16 July 2021 3:29 PM
To: PortfolioCommittee7@parliament.nsw.gov.a
Cc: Merrin.Thompson
Subject: RE: DAWE Assessment and approval process for NSW Kangaroo Management Plan 2022 - 2026
[SEC=OFFICIAL]

Dear Peta

Thank you for getting in contact with the department regarding the NSW Kangaroo Wildlife Trade Management Plan (WTMP).

My team has compiled some further information for you below that I hope will assist you and the committee.

We have repeated your understanding/queries in bold text and provided our responses below.

The timeframes for public consultation and approval of the plan.

Our response:

- There is no statutory timeframe for assessment and approval of a wildlife trade management plan (WTMP). Under the EPBC Act a WTMP can be approved for a maximum of five years. The current NSW WTMP (the *New South Wales Commercial Kangaroo Harvest Management Plan 2017–2021*) expires on 31 December 2021.
- Under section 303FR of the EPBC Act a wildlife trade management proposal, such as a WTMP, must be posted on the department's website for public comment for a minimum of 20 business days.
- A consultation draft of the *NSW Commercial Kangaroo Harvest Management Plan 2022–26* was posted on the department's website on 16 June 2021. The consultation period ends on 16 July 2021, which exceeds the 20 business day period required under the EPBC Act.

After the closing date for public submissions of 16 July, DAWE will provide the feedback from the public consultation to NSW DPIE for consideration and response.

Our response:

- All public comments submitted to DAWE within the public comment period will be forwarded to the DPIE kangaroo management team for consideration and response.
- Public comments made during the public consultation period must be taken into consideration by the Minister in making a decision (Section 303FR (3)).

DAWE's role is to assess the plan against the criteria and make a recommendation to the Minister on whether the plan should be approved.

Our response:

- All wildlife trade management programs are assessed against the requirements of the EPBC Act (s. 303FP and s. 303FRA).
- The relevant parts of the EPBC Act relating to approved wildlife trade management plans are sections 303FO, 303FQ, 303FR, 303 FRA, 303FS and 303FT.

The plan needs to go to the minister for approval by November, so that it can come into force on 1 Jan 2022.

Our response:

- The *New South Wales Commercial Kangaroo Harvest Management Plan 2017–2021*) expires on 31 December 2021. DPIE has been provided with an indicative timeline for assessment and approval of the new draft plan which, if met, will allow time for the minister to consider the proposal in time to allow a new approved WTMP to take effect on 1 January 2022.

After having approved the plan, there is some role for the federal minister/department, in that new conditions can be placed on a plan, and DAWE can, for example, scrutinise and query the annual quota reports.

Our response:

- Conditions are included on the minister's declaration, the legislative instrument that must be registered on the Federal Register of Legislation (see for example the current NSW instrument at <https://www.legislation.gov.au/Details/F2016N00050>) before the plan can come into effect.
- It is a requirement of the EPBC Act that all wildlife trade programs include reporting requirements.

The current NSW plan is available at:

[New South Wales Commercial Kangaroo Harvest Management Plan 2017-2021 | Department of Agriculture, Water and the Environment](#)

The most suitable New South Wales contact to discuss the process with is Terry Brill, who is the Senior Team Leader for the Kangaroo Management Program.

Please let me know if you have any more questions.

Regards

Laura

Laura Timmins

Senior Director

Wildlife Trade Office

Heritage, Reef and Wildlife Trade Division

Department of Agriculture, Water and the Environment



The department acknowledges the traditional custodians of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to traditional custodians, their cultures and elders past and present.