



The Honourable Matt Kean MP
Minister for Energy and Environment

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Legislative Council Portfolio Committee No. 7
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Dear Ms Faehrmann *Cate,*

Thank you for your letter of 26 August 2021, outlining Portfolio Committee 7's concerns about the licensing system for non-commercial killing of kangaroos.

I understand officials from the Department of Planning, Industry and Environment (DPIE) have twice given evidence to the inquiry and provided written responses.

In response to your questions, I am advised as follows:

Whether there are adequate checks before a licence is issued to substantiate the reasons or need for culling on a property.

If kangaroos are damaging property, posing risks to public safety, or causing economic hardship, the National Parks and Wildlife Service (NPWS) first attempts to assist the landholder solve their problem without harming kangaroos. If lethal control is necessary, NPWS recommends landholders provide consent to licensed commercial harvesters to operate on their property, as this reduces the administrative burden on landholders, ensures kangaroos are shot by trained and skilled professionals and supports local industry. If these measures cannot manage the impact, the landholder may apply to their local NPWS office for a non-commercial licence to harm kangaroos.

Non-commercial licences are granted to help landholders manage the impacts of kangaroos while maintaining ecologically viable kangaroo populations. For these licences, maximum cull limits are set according to property size for the four species subject to commercial harvesting (eastern grey, western grey, red, wallaroo) in each kangaroo management zone. These cull limits are revised each year using the latest kangaroo population survey data published on the DPIE website.

When assessing applications, NPWS aims to authorise harm to the smallest number of animals possible to mitigate the impacts of kangaroos. The number authorised does not exceed the set cull limits.

To help ensure ecologically viable kangaroo populations for all species and zones, monthly reviews of commercial and non-commercial licences are undertaken. If there are changes to the maximum limits for non-commercial licences, they apply to new licences granted after the date of the change. To facilitate this regular review and adjustment, licences are typically granted for a maximum of three months.

In some circumstances, cull limits for licences are assessed on a case-by-case basis, rather than applying the maximum limit based on property size. Such cases include:

- species and zones with significant decreases in kangaroo population
- species not included in the commercial kangaroo management program
- smaller properties (up to 20 hectares)
- bushfire-affected properties.

In these cases, licences will only be granted where the landholder provides evidence of kangaroo-related damage and licences are subject to significantly lower cull limits.

Under section 2.12 of the *Biodiversity Conservation Act 2016*, NPWS may require an applicant for a licence to provide additional information to determine the application. Examples of additional information commonly required include photo or video evidence, or a site inspection of the property by NPWS to substantiate the impacts of kangaroos reported by the landholder.

What checks exist to assess applicants' suitability to access firearms?

NPWS does not assess applicants' suitability to access firearms. This is the responsibility of NSW Police, under the *Firearms Act 1996*. Applicants are required to provide firearms licence details in their application to NPWS, and, when reporting back to NPWS, the details of any other shooters' licences.

What requirements are in place for any person involved in non-commercial culling, in terms of firearm licence and competence to comply with the code of practice for non-commercial shooting of kangaroos, and the *Prevention of Cruelty to Animals Act 1979*?

Licence conditions state:

- The licensee must keep records of the full name and firearms licence or permit number of all associates, and must produce the records upon request to NPWS.
- Any persons authorised to shoot animals under the licence must:
 - a) have a valid and current firearms licence
 - b) comply with the provisions of the *Firearms Act 1996* at all times
 - c) only use a category A or B firearm for this purpose
 - d) inform the issuing NPWS office immediately if their firearms licence is suspended or revoked.
- The licence does not authorise any person to shoot animals during any period in which their firearms licence is suspended or revoked.
- The licensee must ensure that all associates are provided with the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes.
- All kangaroos including dependent young (i.e. pouch young, young at foot) must be harmed in accordance with the National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-commercial Purposes.

The licence also states:

It is the licence holder's responsibility to ensure they are familiar with any other statutory or regulatory provisions relevant to the licence, such as local council requirements, the *NSW Firearms Act 1996* and *Prevention of Cruelty to Animals Act 1979*.

The National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-Commercial Purposes (Non-commercial Code) specifies acceptable methods of shooting kangaroos, including:

- the type of firearms and ammunition that must be used
- how shooting must be conducted (shooting from moving vehicles or helicopters is not permitted)
- where to aim to ensure a sudden and humane death
- procedures to minimise pain and suffering of shot animals and euthanise dependent young.

The Non-commercial Code states further that non-commercial shooters must be competent and ensure they conduct all shooting in accordance with this code.

Noting that some of the reported shooting incidents have occurred in peri-urban areas, in close proximity to schools, churches, shops and tourist sites, what consideration is given to broader public safety?

Under section 93 of the *Crimes Act 1900*, the responsibility for safe shooting lies with the firearm user. This Act is administered by the NSW Police, not by NPWS.

However, for properties where shooting could pose a safety risk, NPWS may impose licence conditions that require licensees to notify neighbours and local police before they commence culling operations.

The NPWS website (www.environment.nsw.gov.au) states the following arrangements apply to ensure this risk is managed:

- the number of kangaroos that can be culled on properties of 20 hectares or less will be determined on a case-by-case basis, but will not exceed the limits set for properties between 20 and 40 hectares
- licences issued to properties of 20 hectares or less will include a condition requiring notification to local police and neighbours before commencing culling
- this condition may also be included on licences for larger properties that are adjacent to smaller properties or rural communities.

What compliance checks are subsequently performed by NPWS to establish whether licence conditions are being observed by those to whom a licence has been issued?

Licensees are required by their licence conditions to provide records of the species and number of animals harmed under the licence to NPWS within seven days of the expiry of this licence and upon request by NPWS. NPWS cross-checks records against the licence to ensure only the species and numbers authorised to be harmed have been harmed.

Licence conditions also require the licensee to provide reasonable access to the property specified in the licence for inspection by NPWS. Inspections may be undertaken in response to concerns raised by the public or other information suggesting potential non-compliance.

Whether NPWS has appropriate capacity and processes to observe and monitor for compliance.

NPWS does not observe culls to monitor compliance. Compliance monitoring methods are outlined in the point above. As at July 2021, more than 130 NPWS rangers are 'authorised

officers', approved to investigate and undertake compliance actions across the whole range of services and regulatory instruments administered by NPWS. The most serious enforcement matters are referred to the Department of Planning, Industry and Environment's Specialist Investigations Section.

How NPWS monitors the number of kangaroos and joeys killed by non-commercial shooters and the impact this has on population numbers.

NPWS records the number of kangaroos it authorised to be culled and the number reported culled in a database. An internal, interactive dashboard presents non-commercial figures alongside the equivalent commercial figures, and compares the total number of kangaroos harmed with population estimates. The dashboard is updated with licensing figures daily and available to NPWS staff issuing licences. The staff use it to inform their assessments of applications for licences to harm kangaroos. The NPWS Conservation Branch monitors the dashboard monthly and notifies relevant staff by email if the number of kangaroos harmed reaches pre-determined thresholds. These thresholds are the sustainable limits identified for particular species in a particular kangaroo management zone.

Licence conditions state, 'The dependent young of animals harmed under this licence do not count towards the licence quota'. Therefore, licensees are not required to report the number of joeys euthanised.

How any complaints from neighbouring landholders, and the broader public, are dealt with.

Complaints relating to compliance are referred to relevant staff and other authorities for appropriate action. NPWS area offices maintain records of reported incidents and actions taken, including referrals to other agencies and outcomes of any further inquiries or investigations. NPWS will typically inform the person who reported the incident of any referrals of the matter to other agencies, and advise them of the outcomes of any investigation, within the bounds of the *Privacy and Personal Information Protection Act 1998*.

NPWS commonly responds to complaints about existing policies, procedures or legislation, by providing relevant information or advice, or referring the feedback to appropriate staff for consideration in future policy or procedural reviews, or legislative reforms.

Thank you for the opportunity to provide advice on the NPWS licensing program.

Yours sincerely



Matt Kean MP

Minister for Energy and Environment

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