

NSW Wildlife Council

'Achieving optimal outcomes for Australian Wildlife'



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Ms Sally Barnes
Chief Executive
Office of Environment & Heritage
PO BOX A290
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Dear Sally,

NSW KANGAROO MANAGEMENT - PROPOSED CHANGE TO THE S121 & S123 OCCUPIER LICENCE APPLICATIONS

Introduction

The NSW Wildlife Council (NWC) wishes to recommend a change to the Section 121 Occupier's Licence and Section 123 Occupier Harvester's Licence application process. This change will give better outcomes for rehabilitated wildlife; improve environmental decision-making; and boost public confidence in the NSW Commercial Kangaroo Harvest Management Plan 2012-2016 (Kangaroo Management Plan).

The proposal will help to improve compliance and help remove ambiguities between the Office of Environment & Heritage (OEH) responsibility for protecting wildlife and culling it.

Proposal

Property owners seeking to obtain an Occupier's Licence (Section 121 & 123) to cull kangaroos for either commercial or non-commercial purposes are to consult neighbouring landowners, as part of the application process.

Amend the Application to Harm Fauna in New South Wales to include contact details of neighbours consulted.

Responsibilities

Under Section 92 of the *National Parks and Wildlife Act 1974* the Director General (now Chief Executive, Office of Environment and Heritage (OEH)) "shall have the authority for the protection and care of fauna". This includes kangaroos.

Under Section 121 of the *Act*, the Director General may issue a licence to authorise an owner or occupier of specified lands to harm, or permit a person holding a general or commercial fauna harvester's licence to harm and kill a number of kangaroos.

Section 121 of the *Act* enables OEH to issue two types of licences – commercial and non-commercial. Applications are made using a form - Application to Harm Fauna in NSW (commercial or non-commercial).

Under Section 123 of the *Act* the Director General may issue a licence to allow an Occupier Harvester to shoot kangaroos on properties they own or manage.

The Chief Executive (OEH) is the person responsible for approving the form of the licence application.

OEH licenses wildlife rehabilitation groups and Individual General Licensees to rehabilitate injured, sick and orphaned protected fauna, including kangaroos in accordance with Sections 120, 127 and 132C of the *Act*.

Discussion

Of particular interest to the NWC is the integrity of macropod release sites for rehabilitated kangaroos. There are occasions where release sites are compromised due to unexpected culling by an adjacent landowner. Under the current licence application process there is no need for a landowner to consult neighbours prior to obtaining a licence to cull kangaroos. Often the only indication of the intent to cull is the presence of shooters actually killing animals. Landowners can act unilaterally and apply to harm wildlife without consultation with other stakeholders.

Apart from the concerns of licensed rehabilitators, there is keen interest from conservationists and landowners who support wildlife who may not wish to have 'their' wildlife killed off. This is most significant in areas where wildlife is at low levels and is re-establishing after previous culling or where habitat is being recovered. By way of example, an unannounced widespread commercial cull of kangaroos in the Wamboin and Bywong rural-residential area caused considerable consternation. The local NPWS Office held a stakeholder's meeting to discuss all aspects of the cull, albeit after the event. The attached record of the meeting raises the notion that wildlife is a community asset. The summary paper drafted, by Queanbeyan NPWS staff, also includes concerns over the veracity of a landowner claims to justify an application to cull; firearm safety; and the lack of neighbouring landowner awareness that a cull was intended and necessary.

In the broader context, the ability of NPWS staff to ensure compliance, including the veracity of a landowner's initial claims, is problematic. NWC inquiries with NPWS staff suggest it is not routinely possible to undertake a site visit to check an applicant's claims due to the lack of personnel, limited budgets and other priorities. If a landowner wishing to obtain an S121 or S123 licence had to consult neighbours, then the claimed damage to property and estimation of kangaroo numbers would be readily verifiable and able to be confirmed. In this way the NPWS compliance process would be enhanced.

There is continuing disquiet in many areas of NSW at the extent of the commercial harvesting program. Greater public participation in environmental decision-making can increase public awareness and confidence with the

Kangaroo Management Plan. In particular it will assist with the aims of the Plan, including the management of commercial operators through licensing (Aim 1); monitoring industry compliance (Aim 3); and promoting public awareness and participation (Aim 7).

Unlike the non-commercial S121 application, the commercial and harvester Occupier's Licence application does not require an impact statement. The NWC is aware that the possibility exists for tags issued for a particular property to be used elsewhere. By introducing the need for neighbour consultation, there will be greater confidence that a particular application to harvest animals is justified.

It is acknowledged that for very large properties it may not be necessary for neighbours to be consulted. However should culling be planned close to the border of a neighbouring property, then the argument for consultation is relevant.

Precedence

The NWC is seeking to put in place a similar process to that which applies to property Development Applications, whereby neighbouring property owners and other stakeholders, likely to be affected by a landowner's course of action, are given the opportunity to be consulted.

The planning requirements for wind farms provides for public involvement and participation in environmental planning and assessment. This includes obtaining consent from near neighbours if they might be affected.

For the laying of poison baits, burn-offs and bonfires, neighbouring property owners have to be informed.

Benefits

Advantages of a neighbour consultation process, as part of the S121 and S123 application process, are:

- a. There is a greater chance that rehabilitator release sites are considered.
- b. Wildlife rehabilitators and members of the public, affected by a Section 121 or 123 licence application, can help ensure compliance by taking an interest in a proponent's application, thereby directly assisting NPWS staff.
- c. The veracity of a culling licence application can be confirmed and independent contact with NPWS staff can ensure all factors in a locality are taken into account.
- d. Given wildlife does not stop at a particular property boundary, wildlife rehabilitators, conservationists and interested members of the public would have the opportunity to try to protect wildlife they wish to keep in their local area.
- e. Erroneous claims made by applicants can be identified.
- f. With improved monitoring, public confidence-building is ensured, as communities become aware of the intent to cull.

Implementation

It is proposed the Section 121 and 123 licence application forms for commercial, non-commercial and harvester culling, include a section "consultation with neighbours". This would include the need to list the names, addresses and telephone contact details of people consulted.

Summary

A change to the Section 121 and 123 licence application process would alert neighbouring licensed wildlife rehabilitators and interested members of the public of the intention to cull kangaroos in their locality.

Government agencies will benefit from greater wildlife rehabilitator and neighbouring landowner involvement, by helping to ensure the veracity of an applicant's claims and compliance.

I would welcome the opportunity to discuss this matter with you.

Yours sincerely

Lorraine Vass

Chair

Tel: _____

Enclosure:

1. NPWS Queanbeyan Summary paper – Kangaroo Management in rural and residential areas.