



# Select Committee on Victoria's Recreational Native Bird Hunting Arrangements

**Hearing Date:** 3 July 2023

**Question[s] taken on notice**

**Directed to:** Department of Energy, Environment and Climate Action

**Received Date:** 27 July 2023

## 1. THE CHAIR Page no. 57-58

**Question asked to Sarah-Jane McCORMACK/Carolyn JACKSON:**

We issue these permits. How effective is that process at controlling the risk that the birds are placing on those crops?

**Sarah-Jane McCORMACK:** Yes. I do not have a lot of data specific to the impact of that. So certainly, as you have already pointed out, there are a number of permits issued, and you have got the numbers there. But in terms of, you know, if they were not there, what the impacts would be, I do not necessarily –

**Carolyn JACKSON:** Sorry to interrupt. It is probably worth noting it is the conservation regulator, who is not here today, who is responsible for considering and then issuing those permits. So the agriculture team will obviously have an interest because of the industry, but in terms of the permits themselves, it is the Office of the Conservation Regulator. I am not sure whether they would have data on the efficacy of those. We can certainly take that question on notice and find out for you.

**The CHAIR:** Can you take that on notice? There are a couple of things I am interested in there. One is the efficacy/whether repeat requests are an indicator of that – so is someone reapplying consistently for the same permit year on year? I am also interested in: of the permits that have been issued, can you provide us with a geographic distribution? So what I am trying to understand is: what role does the authority to control currently play, and how effective is it in dealing with the issues?

I suppose the other part of that question ... is how that interacts with the protections that we try and do for the presence of threatened species.

**The CHAIR:** And do the same restrictions on things like shot that apply for game apply for the authority-to-control permits? Lead shot, for example, is banned for recreational hunting of game.

### **Response:**

The Conservation Regulator is responsible for the administration of Authorities to Control Wildlife (ATCW) under the *Wildlife Act 1975*.

For the period between 1 January 2018 and 17 July 2023, half (50%) of ATCWs for duck species were issued in East Gippsland Shire, Murrindindi Shire, Mitchell Shire, West Wimmera Shire, Greater Shepparton, and Strathbogie Shire local government areas. Approximately 71% of ATCWs issued in these six local government areas were due to damage associated with agricultural production. This included trampling of crops, eating of pasture and germinating cereal crops and vegetable crops, damage to farming infrastructure, fouling of pasture and water sources.

The Conservation Regulator does not hold any information on the efficacy of individual permits in reducing damage from ducks. However, a review of ATCWs issued over the past 5 years indicates that 50% of landholders issued with an ATCW for ducks have applied for further ATCWs in subsequent years.

It is not uncommon for landholders with larger populations of ducks on their land, or other landscape factors influencing wildlife behaviour, to apply for an ATCW each year to manage damage caused by wildlife at key stages of agricultural production (for example germinating cereal crops). In these circumstances there are often limited practical non-lethal control measures available to minimise damage caused by wildlife, and this is taken into account when applications are assessed. Any lethal control measures undertaken will also encourage movement in the surrounding flock, which can also mitigate damages.

The Conservation Regulator undertakes a rigorous assessment of all ATCW applications to ensure that they meet the requirements of the *Wildlife Act 1975*. The Conservation Regulator will assess what measures are practical on a case-by-case basis, considering what is achievable for individual landholders.

Factors considered in assessment of applications include, but are not limited to:

- the wildlife impact to the landholder
- the impact on wildlife, including animal welfare and potential population impacts
- the extent to which non-lethal control methods have been undertaken and their effectiveness
- the impact of the proposed control, including on non-target species, local environmental values and neighbours
- timing of the control (particularly in relation to non-lethal control options)
- other management options being undertaken in the area that might impact the local wildlife population.

The Conservation Regulator's data holdings indicate that the Department of Energy, Environment and Climate Action has not issued any ATCWs for threatened species of ducks within the last 5 years. For species listed as threatened under Victoria's *Flora and Fauna Guarantee Act 1988* or the Commonwealth *Environment Protection and Biodiversity Act 1999*, permits for lethal control are generally not issued unless there is a significant and unavoidable risk to human health and safety and all non-lethal control options have been exhausted.

The Conservation Regulator includes conditions in all ATCWs that prohibits the use of lead shot. The conditions also require that each animal must be dead before another is targeted to help ensure that animals are humanely controlled. This is consistent with the restrictions put in place during game hunting.

## **2. Jeff BOURMAN Page no. 60**

### **Question asked to Carolyn JACKSON:**

Are you able to tell us what improvements have been made to the management of Ramsar wetlands since 2016?

### **Response:**

In 2016 the Victorian Auditor-General's Office (VAGO) released the audit report: *Meeting obligations to protect Ramsar wetlands*. The audit identified the need for improvements in governance, statewide oversight and coordination, site management planning and monitoring, and evaluation and reporting.

Key actions completed to address VAGO recommendations include:

- The establishment of governance arrangement at the state-wide and site level to facilitate coordinated management. This has included:
  - Agreed roles and responsibilities for key agencies with a responsibility for managing Ramsar sites in Victoria.
  - The establishment of a Ramsar Inter-agency Governance Group with representation from key agencies to provide a coordinated statewide approach to meeting Ramsar obligations.
  - The establishment of Ramsar coordinating committees for each of Victoria's 12 Ramsar sites.
- The development and implementation of systems and processes which:
  - Facilitate adaptive management at the site level and ensure management actions address highest priority threats to ecological character.
  - Improve state-wide oversight of the implementation of Ramsar management plans and status of ecological character

- The completion of the *Western Port Ramsar Site Management Plan and the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site Management Plan*.

In 2019 the Public Accounts and Estimates Committee (PAEC) held an inquiry into the VAGO audit and determined that all VAGO audit recommendations were implemented. The Inquiry identified further actions to improve Ramsar management in Victoria. Actions to implement PAEC recommendations have been incorporated into the existing Ramsar program with over three-quarters of the actions either complete or incorporated as business-as-usual activities. The remaining actions are in progress with the majority near completion.

Since 2020 the Victorian government has provided \$16.5 million over four years for Ramsar management. Funding is being directed to on-ground actions to implement Ramsar site management plans, monitor ecological character and management effectiveness, and support coordination. In addition, the Victorian Government has provided \$8.3 million for management of the Gippsland Lakes, which includes implementation of the *Gippsland Lakes Ramsar Site Management Plan*.

### **3. Jeff BOURMAN Page no. 60**

#### **Question asked Carolyn JACKSON:**

Can you tell the committee what has been done since 2016 to improve the access to our 199 state game reserves, and what has been specifically done to manage those cultural heritage sites?

#### **Response:**

Parks Victoria is the land manager for all State Game Reserves. Parks Victoria is aware there are more than 13,000 registered Aboriginal places on the land it manages and a very small percentage of the land managed has been surveyed to fully understand cultural values. Parks Victoria's procedures require protection planning for any activities to be conducted by Parks Victoria that might harm Aboriginal cultural heritage.

### **4. Michael GALEA Page no. 63-64**

#### **Question asked to Carolyn JACKSON:**

I understand there was a 2022 memorandum of understanding involving the GMA and DELWP in relation to the counting of all the priority wetlands, and my understanding is that DELWP had half of the responsibility of that. Can you tell me how many hours were involved in that project?

#### **Response:**

The priority waterbird count is undertaken every year prior to the opening of duck hunting season. The purpose of the counts is to identify wetlands with significant numbers of threatened species or breeding waterbird colonies and breeding events. This information is then used to inform wetland closures.

The Arthur Rylah Institute (ARI) within the Department of Energy, Environment and Climate Action (DEECA) coordinates the counts which involve regional staff from DEECA and the Game Management Authority (GMA). ARI also analyses the results and prepares a report for agency consideration. Dates for the counts are set so that the count can take place as close as possible to opening day of the season (to minimise inaccuracy due to bird movements) while allowing enough time to recommend and enact wetland closures or the further regulation of duck hunting to the relevant ministers. The counts usually occur in mid-late February for a two-week period for a prescribed season commencing on the third weekend in March.

The Biodiversity Division within DEECA pays ARI \$30,000 for their contribution. Costs for the onground surveys conducted by regional staff at DEECA and GMA are absorbed by the agencies.

Resources vary from year to year depending on the amount of water in the landscape and other priority work particularly as many regional staff are also involved in emergency response such as bushfires.

This year, the waterbird count was undertaken twice – once in February and again in late March – because the season was not announced until late February and the start time for duck season was pushed back until 21 April.

Further to this, third party reports about the presence of threatened species/breeding colonies are often received immediately before and during the season. DEECA or GMA regional staff (whoever is closest to the relevant wetland/available) will visit the wetland to conduct a count to verify whether there are significant numbers of threatened species/breeding waterbirds that warrant a recommendation to the Ministers for closure/further regulation.

This year, regional DEECA staff contributed 524 hours of work during pre-season priority wetland surveys as well as an additional 83 hours of threatened species verification surveys prior to and during the 2023 duck hunting season. 33 staff members delivered these surveys across five DEECA regions.

This year, the Biodiversity Division also engaged ARI to undertake two urgent on-ground surveys in May 2023 in response to reports of threatened species at Lake Buloke and at the Koorangie marshes due to a lack of regional staff availability. Four ARI staff were involved in these for a total 80 hours (~40 person hours for each survey), with a total cost of \$14,288 including operating expenses.

Note, the GMA also undertake wetland surveys during the priority waterbird count and verified third party reports during this year's duck season. DEECA does not have information on GMA staff time involved in these counts.

## **5. Bev McARTHUR Page no. 64-65**

### **Question asked to Carolyn JACKSON:**

How much money have you put into Winton, and what are the outcomes there?

### **Response:**

Winton Wetlands was established in 2010 following the decommissioning of Lake Mokoan. Since that time, the Winton Wetlands Committee of Management has been provided with \$18.6M to ensure the restoration, conservation and protection of native species and landscape, and construction of infrastructure to enable tourism opportunities.

The Committee has worked with multiple partners and supporters focusing on rebuilding ecological integrity and protecting and reintroducing threatened species. The funding has resulted in a visitor centre and café, interpretive information, campgrounds, picnic areas, public toilets, roads and cycling trails, and artwork installations.

Winton Wetlands has been designated as the first wetland outside of the USA to be given the honour of a Wetland of Distinction by the Society of Wetland Scientists.

The Committee are also seeking international recognition under the Ramsar Convention to support the maintenance of ecological character, in line with the Committee's responsibilities under the *Environment Protection and Biodiversity Conservation Act 1999*.

## **6. Bev McARTHUR Page no. 65**

### **Question asked to Carolyn JACKSON:**

Given that there is hunting on certain Ramsar sites but not others, what sort of robust and measurable impact is there on the effect of how the health of the wetlands differs from one site to another? Surely you would be assessing where there is no hunting on wetlands and where there is hunting.

### **Response:**

Monitoring is undertaken at all of Victoria's Ramsar sites to assess the status of ecological character, as per State, Commonwealth and Ramsar Convention requirements. Examples of

monitoring programs include threatened species, habitat, hydrology and waterbird abundance and breeding. DEECA doesn't specifically monitor the impacts of hunting at Ramsar sites.

Waterbirds are highly mobile, so determining the impacts of hunting at one site (whether it's Ramsar listed or not) versus another is not possible.

## **7. Bev McARTHUR Page no. 65**

### **Question asked to Carolyn JACKSON:**

The *Barmah Strategic Action Plan* expired at the end of June this year and has not, apparently, been replaced. Has the evaluation of the *Barmah Strategic Action Plan* been started, concluded and evaluated so that we can establish as to whether the moira grass in the Barmah wetlands has recovered?

### **Response:**

An Extension to the Barmah Strategic Action Plan is currently being prepared by Parks Victoria that will extend its lifespan through to June 2026 with revised conservation strategies. Until the Extension is published, Parks Victoria will continue implementing the actions described in the *Barmah Strategic Action Plan [2020-2023]*.

Parks Victoria will be conducting an evaluation of the implementation of the *Strategic Action Plan [2020-2023]* between July 2023 and July 2024. The outcomes from the evaluation will be used to refine the delivery of conservation strategies outlined in the Extension, and operational priorities.

## **8. Sheena WATT Page no. 68**

### **Question asked to James TODD/Carolyn JACKSON:**

I will start with the priority waterbird count you mentioned. Is that a public document? What is the status of that actual report with respect to accessibility by the committee?

### **Response:**

ARI provides the agencies (GMA, DEECA and the Department of Jobs, Skills, Industry and Regions; DJSIR) with a preliminary report immediately after the data from the priority waterbird count is analysed which lists the wetlands that the waterbird count identified had significant numbers of threatened species/breeding waterbird colonies present on them.

The agencies use this preliminary report to assist in determining whether to recommend to the ministers the closure or other management action at these wetlands to protect threatened species/breeding waterbirds.

ARI then submit a final, more comprehensive report to DEECA and the GMA around June. The reports are usually published on the GMA website and can be found here: [Duck Research - Game Management Authority \(gma.vic.gov.au\)](http://gma.vic.gov.au) under "Summer Waterfowl Count". The 2023 report is yet to be published on the GMA website but is **attached**.

## **9. Sheena WATT Page no. 68**

### **Question asked to James TODD:**

I just want to understand: is hunting on these Ramsar sites consistent with our obligations under the Ramsar convention?

### **Response:**

#### *Ramsar Convention*

The Convention on Wetlands of International Importance was signed in 1971 in Ramsar, Iran and is referred to as the Ramsar Convention.

The broad aims of the Ramsar Convention are to halt and, where possible, reverse, the worldwide loss of wetlands and to conserve those that remain through 'wise use' and management.

There are now more than 170 nations party to the Ramsar Convention, that have designated more than 2,300 sites as wetlands of international importance. As a signatory, Australia has a number of commitments, including:

- Designate at least one site that meets the Ramsar criteria for inclusion in the List of Wetlands of International Importance
- Promote the conservation and wise use of wetlands
- Include wetland conservation within national land-use planning
- Establish nature reserves on wetlands and promote wetland training.

A definition of 'wise use' was adopted by the Parties to the convention updated in 2005 states that '*Wise use of wetlands is the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development.*'

The Convention guidelines emphasise that human use, providing that it is sustainable, is compatible with Ramsar listing.

#### *Ramsar management in Australia/Victoria*

Australia's obligation under the Ramsar Convention is to manage Ramsar sites to maintain or improve their ecological character. Ramsar listing does not preclude any specific activity, the emphasis is on sustainable use.

As set out on the GMA website, native bird hunting in Victoria is managed to ensure that the harvest of waterbirds is sustainable.

Ramsar listing does require that any new activity will not significantly impact the ecological character of a Ramsar site (Victorian *Environmental Effects Act 1978* and Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*).

## 10. Sheena WATT Page no. 68

### Question asked to Carolyn JACKSON:

Mr Bourman started his questions around Aboriginal cultural heritage, and I am going to ask some further ones, consistent with a few of our other witnesses today. Starting with the question of the natural resource agreements that have been made under the *Traditional Owner Settlement Act*, I just know that under those settlements there are provisions for hunting rights for traditional owner groups. How many of those have been granted to traditional owner groups, thereby allowing exemptions under the *Wildlife (Game) Regulations*?

### Response:

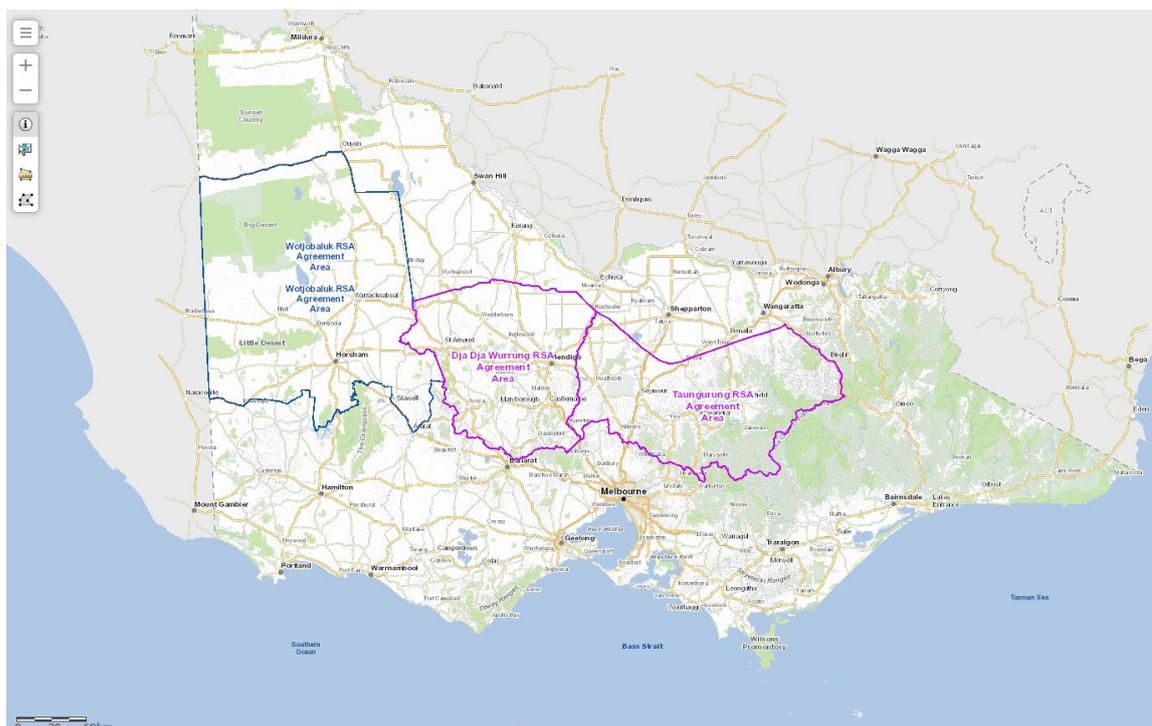
The State has entered into three Natural Resource Agreements (NRAs) with Traditional Owner Corporations under the *Traditional Owner Settlement Act 2010* (Vic) as outlined in the table below. An NRA grants specific rights to Members of that specific Traditional Owner Group under the NRA (including the right to hunt).

Traditional Owner Group	Traditional Owner Corporation	Year
Dja Dja Wurrung People (Djaara)	Dja Dja Wurrung Clans Aboriginal Corporation (DDWCAC)	2013 (natural resource rights provided via the former "Authorisation Order" framework)  2022 (standalone Natural Resource Agreement)
Taungurung People	Taungurung Land and Waters Council Aboriginal Corporation (TLaWC) (formerly Taunrugung Clans Aboriginal Corporation)	2018
Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples (WJJWJ Peoples, Wotjobaluk Peoples)	Barengi Gadjin Land Council Aboriginal Corporation (BGLC)	2022

Certain hunting-related offences set out in the *Wildlife (Game) Regulations 2012* do not apply to Traditional Owners from these three Traditional Owner groups with NRAs where they are

undertaking the hunting activities in accordance with their NRA and on their respective agreement lands.

An indicative map is included below of the Recognition and Settlement Agreement boundaries that include NRAs:



## 11. Sheena WATT Page no. 69

### Question asked to James TODD:

So you will take on notice about how many have indeed been granted those agreements, the natural resource agreements made under –

**James TODD:** Sorry, just to qualify. Are you interested in the number of natural resource agreements that have been struck?

**Sheena WATT:** I am interested in, yes, how many agreements but how many traditional owner groups have exemptions to hunt on their lands –

### Response:

The state formally recognises the hunting rights of Traditional Owners in Victoria in two ways; under the Victorian *Traditional Owner Settlement Act 2010* (via a Recognition and Settlement Agreement that includes an NRA), and under the Commonwealth *Native Title Act 1993* (via a native title consent determination).

### **NRA right to hunt under the Victorian Traditional Owner Settlement Act**

The Traditional Owner Groups referenced in the response to Question 10 (Djaara, Taungurung, and Wotjobaluk Peoples) have entered into NRA as part of their Recognition and Settlement Agreements pursuant to the *Traditional Owner Settlement Act 2010*. An NRA grants specific rights to Members of that specific Traditional Owner Group under the NRA (including the right to hunt).

The Hon. Ms. Watt uses the term “exemptions to hunt”. Operationally, the NRAs grant Members of the relevant Traditional Owner Group with an NRA the right to hunt (among other things) in accordance with the NRA and the law. In addition, legislation and regulations relevant to hunting will provide for exemptions from certain offences for Traditional Owners who have an NRA to facilitate the exercise of their hunting rights.

### **Hunting rights under the Commonwealth Native Title Act**

The *Native Title Act 1993* (Cth) provides for the recognition of rights and interests of Aboriginal peoples and Torres Strait Islanders in relation to land or waters, including hunting, gathering, or fishing. Again, these are not exemptions to hunt *per se*, but hunting rights that are able to be recognised by the Federal Court of Australia. Section 211 of the Native Title Act then operates to allow the hunting activity and to exempt native title holders from the requirement to hold a licence/permit/other instrument to undertake hunting.

The following table outlines the groups that have recognised native title rights in Victoria following positive native title consent determinations entered into between the relevant Traditional Owner Group and the State of Victoria:

<b>Traditional Owner Group</b>	<b>Determination number</b>	<b>Traditional Owner Corporation</b>	<b>Year</b>
Wotjobaluk, Jaadwa, Jadawadjali, Wergaia and Jupagulk Peoples	VCD2005/001 VCD2005/002 VCD2005/003	Barengi Gadjin Land Council Aboriginal Corporation (BGLC)	2005
Gunditjmara People	VCD2007/001	Gunditj Mirring Traditional Owners Aboriginal Corporation (GMTOAC)	2007
Gunaikurnai People	VCD2010/001	Gunaikurnai Land & Waters Aboriginal Corporation RNTBC (GLaWAC)	2010
Gunditjmara People and Eastern Maar People	VCD2011/001	GMTOAC and Eastern Maar Aboriginal Corporation RNTBC (EMAC)	2011
Eastern Maar People	VCD2023/001	EMAC	2023

Native title rights and interests, including hunting rights, exist in areas of Crown land where the Federal Court has recognised native title to exist, as noted in the relevant consent determination for each group.

## **12. Sheena WATT Page no. 69**

### **Question asked to Carolyn JACKSON:**

Now, I am really concerned about sites of significant cultural heritage and their protection in our state; what does DEECA understand to be the number of signposted culturally significant sites on state game reserves?

### **Response:**

Parks Victoria is the land manager for all State Game Reserves. Parks Victoria does not typically install signage at locations of cultural significance on State Game Reserves. This reflects Traditional Owners and Parks Victoria's concern that the installation of signage has a greater risk of resulting in damage rather than improved protection of these values.

Parks Victoria has worked with Traditional Owners where they would like a different approach to signage, such as Djaara's approach at Tang Tang Swamp. Parks Victoria also publishes resources on its website to help visitors understand protection of Aboriginal cultural heritage including an Aboriginal Heritage Identification Guide that visitors can download <https://www.parks.vic.gov.au/managing-country-together/aboriginal-cultural-heritage>.

## **13. Sheena WATT Page no. 70**

### **Question asked to Carolyn JACKSON:**

If damage is done, which we heard is happening, they are not reporting it to the GMA because no-one has gone to the GMA and reported sites of significant damage. The enforcement officers do not sit with you, DJSIR, so how do you know when sites are being damaged? Do you have to hear back from DPC? Are there some sort of formal reporting arrangements for the Department of Energy, Environment and Climate Action to know when sites are being damaged, and therefore to consider further protection efforts?

### **Response:**

Parks Victoria and DEECA actively manage cultural heritage values on the Parks Victoria estate and in state forests, respectively.

Incidents of damage by visitors, including hunters, to cultural heritage values on the Parks Victoria estate and in state forests are recorded on the shared DEECA and Park Victoria intelligence database. Parks Victoria and DEECA report damage to cultural heritage values to First Peoples - State Relations (FP-SR) in the Department of Premier and Cabinet as the regulator and Traditional Owners of the area. FP-SR is responsible for investigating these reports to identify if there have been breaches of the *Aboriginal Heritage Act 2006*.

#### **14. THE CHAIR Page no. 70**

##### **Question asked to Carolyn Jackson:**

Last question on signs. Has the department done any work to scope what better signage there might be at places where hunting is both permitted and also where people are excluded from during certain times of the year?

**Carolyn JACKSON:** I am not aware of any work that we have done, but I can certainly follow that up and see if there is any particular work happening across the department on signage.

##### **Response:**

Signage at State Game Reserves was reviewed in response to an action under the *Sustainable Hunting Action Plan 2016-2020*. 360 signs and information totems were replaced or upgraded at 130 state game reserves across Victoria.

State Game Reserves are established to provide for the preservation of wildlife and wildlife habitat and the hunting of game species. Permitted hunting activities varies for each reserve and may vary each year (e.g., duck hunting season). Given this variability, there is no specific signage to indicate the type and timing of hunting activity at each reserve.

When a wetland is closed to duck hunting because of the presence of significant numbers of threatened species or breeding waterbirds, the GMA, with support from Parks Victoria where required, will erect a sign advising that it is closed to hunting. Occasionally this is undertaken by DEECA if DEECA is the lead agency to recommend the closure. However, signs can sometimes be defaced or stolen. As such the GMA relies on other forms of communication to get this information across to hunters. The GMA issues media releases, posts on social media, provides information on their website and sends text messages to licence holders. Further the online hunting maps are updated by DEECA to advise of closures to protect threatened species/breeding waterbirds at the relevant wetlands.

Wetland closures are enacted under s.86 or 86A of the *Wildlife Act 1975*. There is no requirement for a sign to be erected after a wetland closure under these provisions of the Act. The only thing that is required is gazettal of the notice in the Victoria Government Gazette which DJSIR or DEECA organise after the ministers have agreed to close (or re-open) a wetland or further regulate hunting at a wetland.