

Kangaroo Management Advisory Panel Meeting #18

Harrison Room, OEC, 214 Darling Street

Wednesday 28 September 2011

Present:

Chair: Peter Christie, Office of Environment and Heritage (OEH)
Nicole Payne OEH
Ray Scott, NSW Farmers Association (NSWFA)
Greg Bates, Kangaroo Industries Association of Australia (KIAA)
Greg Markwick, NSW Department of Primary Industry (DPI)
Lachlan Gall, Pastoralists Association of West Darling (PAWD)
Steve McLeod, Australasian Wildlife Management Society (AWMS)
Patrick Medway, Wildlife Preservation Society of Australia Inc (WPSA)
Matt French (alternate), Royal Society for the Prevention of Cruelty to Animals NSW (RSPCA)

Apologies:

Ray Borda (KIAA)
Dr Tony English (Australian Veterinary Association)
John Farr (NSW Kangaroo Harvester's Association Inc)
David O'Shannessy (RSPCA)

Acknowledgement of country

Adoption of Minutes of Meeting # 17

PAWD asked for some changes to be made to the draft minutes #17. Following these changes the Minutes of meeting #17 were ratified.

Adoption of Agenda of Meeting # 18

No additional items were added.

Item 1. Review of actions from meeting #17

Action 1: OEH to send monthly weight analyses reports to KMAP members.

This has not yet been actioned. OEH sends a summary of the weight comparisons each month to the Commonwealth and the KIAA and will now add the email addresses of the KMAP and their alternates to the list.

KIAA asked about the impact on the analysis of decisions by processors, such as asking for long tail carcasses for a period of time, or setting weight limits. The performance indicator does not trigger management actions unless there is a sustained drop in carcass weights for three successive months; the sheer volume of data will also help avoid any impact of such decisions that are not associated with population health.

The majority of the panel were happy to receive just a summary email. The KIAA requested full details of the analysis.

Action 1: OEH to send a summary of carcass weight analyses for 2011 to the KMAP Panel.

Action 2: OEH to send carcass weight analysis data for 2011 to KIAA.

Action 2: OEH will email the final take figures for 2010 to the Panel. *Done 9 March*

Action 3: OEH will email a copy of the Annual Report to KMAP members with comments due back Monday 21 March. *Done 9 March.*

Item 2: Review of submissions received.

Overview of process provided by OEH – Nicole Payne

- The Commonwealth has a statutory obligation to seek public comment on any plans being considered for approval under the *Environment Protection and Biodiversity Conservation Act* (EPBC Act)
- OEH has no statutory obligation to publicly exhibit the draft management plan, but did so as a matter of policy.
- A total of 19 submissions were received:
 - 15 submissions received by OEH;
 - 4 submissions received by the Commonwealth and forwarded to OEH
- The Commonwealth Department of Sustainability, Environment, Water, Population and Community (DSEWPaC) also submitted comments to OEH.
- All submissions have been summarised and issues grouped to facilitate analysis. The individual submissions, register and summary were forwarded to KMAP. All KMAP members indicated that they were happy with the summary prepared by OEH.

Summary of Issues:

Sustainability issues

1. Conservation reserves not adequate (2 submissions)
 - The general consensus of the KMAP was that even if the reserves within the commercial zones weren't big enough, there are properties within the zones that are also not included in the Harvest for various reasons. The reserves along the eastern seaboard are also not included in the commercial harvest data and this makes the figures misleading.
 - A column was added to the summary – "Is this relevant to the Plan?"
 - The consensus was this is not relevant to the Plan and the result – "No amendment required".
2. Long term impact of harvest - research needed (6 submissions)
 - To claim no research is being done is misleading.
 - The plan has provision for facilitating research into aspects of kangaroo ecology that are relevant to the commercial harvest and also proposals for research to investigate the long term impacts.
 - Adaptive management deals with research and its results as it arises.
 - This is relevant to the plan but it is covered under the provision of the plan and no amendment was required.
3. Impact of commercial and non-commercial shooting (3 submissions)
 - Commercial quotas are based on population estimates from aerial surveys. This method covers all forms of mortality such as non-commercial shooting and illegal shootings.
 - Non-commercial shooting within the commercial zone is reported in the Annual Report.
 - This is relevant to the plan, but no amendment was required.
4. Young not part of total authorised (1 submission)
 - Pouch young are euthanised as directed by the Code of Practice and licence conditions have been changed to clarify this.

- Young are not counted as part of the population and so are not counted as part of the quota or the harvest.
 - This is relevant to the plan, but no amendment is required.
5. Quota suspensions/threshold for low populations (5 submissions)
- The draft Plan already includes provisions requiring reductions or suspension of quotas to protect low populations.
 - The Panel agreed that this appears to be a case of people not understanding proportional quotas.
 - OEH asked if we needed to explain “proportional quota” more clearly.
 - The Panel agreed that there was a strong emotional drive for people to misunderstand and that we could not be any clearer.
 - This is relevant to the plan, but no amendment is required.
6. Surveys and population monitoring inadequate (4 submissions)
- The survey methodology used by OEH is best practice, and long term population data shows that there is no long term decline in kangaroo populations as a result of the harvest.
 - OEH methodology has made it through the Administrative Appeals Tribunal and is scientifically supported.
 - OEH will continue to consider any alternative methods as they become available.
 - This is relevant to the plan, but no amendment is required.
7. Allow different survey methods/ frequencies/ don't survey (2 submissions)
- The aerial survey methodology used by OEH is best practice. Other methods are not cost effective over large areas.
 - Trials of new methods are not precluded but cannot be used to set quotas until their adequacy has been established.
 - PAWD would like to see Euros in the Barrier Ranges counted for the purpose of a commercial cull. The suggestions were fixed wing, not helicopter, and/or movement activated video.
 - AWMS believes the low sightability of Euros compared to other species could produce an estimate that would be extremely low and could be questioned. AWMS suggested that PAWD approach the CMA's to see if external funding can be secured for the fixed wing surveys and ground counts.
 - OEH have only previously done foot and helicopter surveys in the Barrier Ranges, and is not aware of any previous fixed wing surveys for macropods.
 - PAWD asked if Euro could be included in the count for next year just for our own information. PAWD believes if Euros are not included in the commercial take, landholders will use other methods to reduce their numbers. PAWD will also approach CMA for funding.
 - OEH will consult the observers and trial it in the fixed wings surveys for 2012.
 - This is relevant to the plan and OEH will modify the text relating to Barrier Ranges and helicopter surveys.
8. Prohibit shooting of female Euro to reduce survey frequency (1 submission)
- PAWD are under the impression that a male only harvest of Euros would reduce the need for frequency of surveys.
 - OEH believes this would be hard to regulate with the potential for Harvesters to shoot females and not tag and report.
 - AWMS disagrees, as the size difference between males and females in Euros would exclude female shooting. This would lower the risk of overshooting the species and reduce the frequency of survey needed. AWMS suggested though that we don't change the three yearly survey frequencies until further research has been done.

- This is relevant to the plan, but male only shooting can be mandated by licence conditions. Licence conditions are not required in the plan, so no amendment is required.
9. Harvest not ecologically sustainable (6 submissions)
- No evidence was provided in the submissions to suggest the harvest is not ecologically sustainable.
 - Proportional quota system and low population protection will assist in ensuring sustainability.
 - This is relevant to the plan, but no amendment is required.
10. Issue with quota setting/ thresholds (3 submissions)
- Thresholds have been included in the plan as a result of the previous Administrative Appeals Tribunal. The thresholds have been explained in the plan, but OEH feels that the text may be able to be simplified so that people better understand them.
 - This is relevant to the plan and OEH will attempt to better explain the method used to calculate the thresholds. OEH will also publish actual numbers each year as part of their web page reporting.
11. Abolish Special Quota (1 submission); and
12. Add to Special Quota provisions (1 submission)
- Special quota has not been utilised for at least six years and is not used unless the entire available quota has been exhausted first.
 - It is capped at 1.5% of the population state wide and therefore has limited capacity to contribute to overharvest of a species.
 - DPI advised OEH that the “exceptional circumstance” provision will not be used in the future. A surrogate for this measure will be if rainfall has been in the lowest fifth percentile for the previous 12 months.
 - This is relevant to the plan. OEH will clarify that Special Quota is not available in closed zones and will modify criteria to include Western Lands de-stocking orders and surrogate EC provisions.
13. Animal welfare groups contribute to quota setting (1 submission)
- Peak animal welfare organisations are represented on the Kangaroo Management Advisory Panel, which review the Annual Quota reports prior to submission to the Commonwealth.
 - Annual quotas are set based on proportions specified in the approved plan.
 - This is relevant to the plan, but no amendment is necessary.
14. Plan ignores metaphysical/eco-literacy (1 submission)
- This plan relates specifically to the commercial harvest of kangaroos and does not seek to guide broader kangaroo management issues.
 - This is not relevant to the plan and no amendment is necessary
15. Plan fails to reduce populations (1 submission)
- The management plan is not intended to reduce kangaroo numbers over the long term. It is intended to ensure viable populations are maintained across their ranges.
 - This is relevant to the plan, but no amendment is necessary.

Animal Welfare Issues

1. Plan fails to address welfare (3 submissions)
- The plan contains aims and performance indicators specifically addressing animal welfare.
 - OEH does not tolerate breaches of animal welfare provisions.

- This is relevant to the plan, but no amendment is required.
2. Code methods not adequate (2 submissions)
 - The Code is a separate document endorsed nationally, and is the accepted standard for the Industry.
 - OEH would adopt any alternative and practical methods should they become available.
 - This is not relevant to the plan and no amendment is necessary.
 3. Point of kill monitoring required (7 submissions)
 - Monitoring at point of kill is not achievable due to resource constraints; however OEH can undertake audits of a selection of harvesters.
 - This is relevant to the plan and OEH will add a performance indicator regarding audits of a selection of harvesters at point of kill.
 4. Prohibit killing of females – welfare (4 submissions)
 - OEH feels this would encourage harvesters who accidentally kill a female to not tag the carcase and record.
 - The Code of Practice recommends against shooting females with obvious pouch young.
 - This is relevant to the plan, but no amendment is necessary.
 5. Inadequate training/enforcement of Code (2 submissions)
 - All harvesters undergo competency testing and OEH works with other regulatory authorities to enforce compliance with the Code.
 - OEH can and should revise the content of the Accreditation program and add to it if necessary eg. Practice euthanasia methods.
 - This is relevant to the plan, and OEH will add a performance indicator regarding the review of the content of the harvester accreditation during the life of this plan.
 6. Increased penalties for breaches (2 submissions)
 - Penalties for breaches are set in the National Parks and Wildlife Act and Regulation; OEH can only act within the constraints of the legislation.
 - Where appropriate OEH prosecutes offenders and penalties are determined by the Courts.
 - This is relevant to the plan, but no amendment is required.
 7. Control numbers shot each night (1 submission)
 - Control of firearms use is not within OEH's jurisdiction.
 - This is not relevant to the plan, and no amendment is required
 8. Skewed reporting of cruelty data (3 submissions)
 - The draft plan specifies a minimum range of information to be included in Annual Reports.
 - OEH reports all compliance activities within the bounds of privacy laws.
 - This is not relevant to the plan, and no amendment is required; however OEH will include a quarterly summary of compliance activities on the KMP web page.
 9. Veterinary euthanasia necessary (1 submission)
 - This is not practicable and falls within the realm of the Code of Practice. This issue should be raised when the Code is next reviewed.
 - This is not relevant to the plan and no amendment is necessary.
 10. Support for research/regulation re: welfare (3 submissions)
 - OEH seeks to achieve best possible animal welfare outcomes and is involved where appropriate in research for this purpose.
 - This is relevant to the plan but no amendment is required.

Request reintroduction of skin only shooting

1. Request reintroduction of skin only shooting (4 submissions)

- PAWD would like to see the reintroduction of Skin Only shooting. It has had a lot of shooters and landholders approach them to ask if this is possible and to date have received no objections from the public.

PAWD believes that if possible it is better to use the whole carcass but there may be a time in the future where this option is just not practicable. It would like to see provision in the new draft to reintroduce Skin Only shooting should whole carcass shooting not allow for proper control of populations. It would like to see the "Skin Only shooting is prohibited" statement removed from the draft.

PAWD believes that compliance should not be an issue as it is easier to find a bullet hole in a skin than in a carcass, and that it is OEH's task to develop compliance to cover any other problems, with the revenue raised from the skin only licences.

- NSW FA also believes Skin Only shooting should be an alternative if the taking of the whole carcass is no longer viable. It feels shooters will be hoping for another choice if the market for meat doesn't increase. NSW FA would like to see a Skin Only shooting option in the plan.
- KIAA also feels that OEH should leave provision for Skin Only shooting in the plan. At the moment there is no market for skins but this could change and in three years time the meat market might fall over and the demand for skins be high. KIAA does believe though that there are compliance issues associated with skin only shooting.
- RSPCA NSW's stance is "humane shooting" and could not comment on the return of Skin Only Shooting.
- AWMS believes that Skin Only shooting can be done humanely and sustainably.
- WPSA would like to see the whole carcass used where possible and believes that Skin Only shooting should only be considered when/if the meat market falls over and the market for skins increases.
- DPI has sympathy for landholders and counsels OEH to look at the compliance issues associated with Skin Only shooting and decide if the ban is really necessary. The issue is still alive and needs to be revisited. The State should bear some of the costs for OEH to reach our obligations to landholders.
- OEH will make a decision and take into account the divided opinions within KMAP. OEH feel the compliance issues associated with Skin Only shooting, the capacity to inspect skins and the difficulties in regulating it far outweigh the market value. OEH cannot commit to something it cannot regulate effectively, and to do so could jeopardise the whole plan.

To include provision in the plan for Skin Only shooting is not just a matter of leaving the text in or taking it out, the whole plan would need to be amended. OEH can make amendments within the life of the plan should circumstances change, by bringing the next review forward.

Scope of KMP

1. Duration of plan too long (1 submission)

- Five year life of the plan is within the limit set by the EPBC Act. Should circumstances change significantly, the plan can be reviewed earlier.
- This is not relevant to the plan and no amendment is necessary.

2. Should include broader management, especially non-commercial culling (1 submission)

- It is not within the scope of this plan to include non-commercial culling. A separate policy is being developed in relation to non-commercial culling.

- This is relevant to the plan but no amendment is necessary.
3. Remove wallaroo subspecies (1 submission)
 - Euros have not been harvested since 2002. Common wallaroo are only harvested in three management zones and comprise a very small proportion of the quota. Removal of this species would have very little impact on the commercial harvest.
 - PAWD and the KIAA both agreed that harvesters and landowners would want wallaroos to remain.
 - There is insufficient justification at this time to remove wallaroos from the plan.
 - This is relevant to the plan but no amendment is required.
 4. Fails to meet EPBC requirements (1 submission)
 - DSEWPaC has assessed the draft management plan and has requested some minor amendments. The plan is deemed comprehensive and sufficient to meet the requirements of the EPBC Act.
 - This is relevant to the plan but no amendment is required.
 5. General support for provisions (2 submissions); and
 6. General failure of provisions/not supported (2 submissions)
 - The draft plan has been developed to meet both the requirements of the EPBC and NPW Act. It includes best practice measure in relation to survey of kangaroo populations and humane shooting of kangaroos.
 - This is relevant to the plan but no amendment is required
 7. Justification – object to removal of damage mitigation (6 submissions)
 - Sustainable use is a legitimate outcome;
 - Damage mitigation has not been the justification for the commercial harvest since 2002; it was removed because it was impossible to prove.
 - This is relevant to the plan but no amendment is required
 8. Justification – need for population control (agricultural) (3 submissions)
 - OEH does not promote kangaroos as a pest and does not aim to reduce populations over the long term. The plan promotes sustainable use of an abundant resource.
 - This is relevant to the plan, but does not require an amendment.

Where Harvesting is allowed

1. Exclude rural residential areas (1 submission)
 - This is possible as a policy matter but would infringe on the rights of occupiers with smaller holdings.
 - Not relevant to the plan and no amendment required.
2. Exclude wildlife release sites and adjoining properties (2 submissions)
 - Excluding areas that neighbours release sites would infringe on the rights of those landholders but could be introduced via policy.
 - Not relevant to the plan and no amendment required.
3. Require neighbour/community agreement (3 submissions)
 - This is possible as a policy matter but would infringe on the rights of occupiers.
 - Not relevant to the plan and no amendment required.
4. Allow new harvest zones (2 submissions); and
5. Revoke recently added harvest zones and prohibit new zones (1 submission)

- The draft contains provisions that allow new harvest zones to be added, but requires direct monitoring of populations as a prerequisite.
- This is relevant to the plan, but no amendment is required

Restrictions on harvest: tags/quota

1. Remove all restrictions (1 submission)
 - PAWD's intent of this submission was to remove the restriction on "skin only shooting". PAWD would like to see full utilisation of the commercial harvest as best method of controlling kangaroo numbers on environmental and welfare grounds.
2. LHPA/more outlets to issue licences (1 submission)
 - This is not within the scope of the plan.
 - It is not feasible to outsource the issue of licences. Licensees are all aware of contact details for KMP.
 - This is not relevant to the plan and no amendment is required; however KMP will provide information packages to relevant organisations.
3. Refund/exchange unused tags (1 submission)
 - This is a policy issue for OEH and is not within the scope of the plan, no amendment is required
4. Transfer quota between zones (1 submission)
 - This erodes the fundamentals of the plan and is inappropriate.
 - This is relevant to the plan but no amendment is required.
5. Allow group licences (1 submission)
 - An amendment to the NWP Act would be necessary to allow this to happen
 - This is not relevant to the plan and no amendment is required

Accreditation/ licences training issues

1. Accreditation not frequent enough (2 submissions)
 - Accreditation is for five years which is the same for a Drivers Licence and a Shooters Licence.
 - This is outside the scope of the plan and no amendment is required; however, this will be considered during the review of the accreditation content
2. Need to include species identification (1 submission)
 - This could be considered as part of the accreditation training.
 - This is outside the scope of the plan and no amendment is required, but will be considered during the review of the accreditation content.
3. Need to include euthanasia techniques (1 submission)
 - This is covered by the Code of Practice and is outside the scope of the plan, no amendment is required. To be considered during the review of the accreditation content.
4. General support to competency testing/extend to non-commercial licensees also (1 submission)
 - This plan is limited to commercial harvesting.
 - This was not relevant to the plan no amendment is required.

Consultation/community awareness participation

1. Draft plan not sufficiently advertised (1 submission)
 - OEH has no statutory obligation to exhibit the plan.
 - One of the functions of the KMAP is to disseminate information to stakeholders.
 - This is not relevant to the plan and no amendment is required.
2. Insufficient information provided to community (6 submissions)
 - The draft plan specifies a minimum range of information to be provided in formal reports and on the web page.
 - This is relevant to the plan and OEH will review the information specifications and amend as appropriate.
3. Ignores indigenous Australians (1 submission)
 - There is a place held on KMAP for the aboriginal community should an appropriate organisation choose to participate.
 - This is relevant to the plan, but no amendment is required.
4. Reporting inadequate (eg. Annual report) (1 submission)
 - The draft plan specifies a minimum range of information to be provided in formal reports and on the KMP web page.
 - This is relevant to the plan, and OEH will review the information specifications and amend as appropriate.
5. General support for KMAP (1 submission); and
6. KMAP representation inadequate/dissenting views ignored (1 submission)
 - The draft plan does prescribe the membership of KMAP.
 - The panel is not required to reach consensus on all issues. Members are expected to represent the views of their organisation, whether this is the view of OEH or other panel members.
 - This is relevant to the plan, but no amendment is required.

Comments from the Panel

PAWD would like to have the opportunity to put something in writing to have "Skin Only" shooting reintroduced into the plan. PAWD would distribute any draft wording to the rest of the Panel by group email for discussion and comment. PAWD believe that both peak landholder bodies within NSW, PAWD and NSW FA feel that skin only shooting has a potential to deliver better environmental and animal welfare outcomes than non-commercial shooting. PAWD will be disappointed to see that if what is in the draft plan re skin only shooting, continues into the plan.

AWMS feels it will set a dangerous precedent if individual KMAP member organisations have input into the draft at this point.

WPSA is opposed to any shooting of kangaroos but is not opposed to the Kangaroo Management Program under their "wise use" policy. Skin only shooting is not supported.

There are a range of views that OEH need to take into account and OEH will consider all opinions. It is not about the balance of 'for' and 'against' but consideration of all the issues.

Time Frame

The completion of the draft is required by the end of October.

The package to the Commonwealth will include:

- Briefing note;
- A copy of the submissions;
- The summary of the submission;
- The draft document; plus
- A checklist of the EPBC Act and how the plan address these issues.

Item 3: Other Business

Tag allocation & harvest update

- To the middle of September 27% of the quota has been allocated; and
- To the end of July 16% of the quota has been harvested.

Compliance update

- There have been 46 penalty notices issued for the year to date:
 - 16 – unsubmitted returns
 - 10 – Body shot roos
 - 8 – not return expired tags
 - 6 – returns not true and accurate
 - 2 – sell protected fauna
 - 2 – shoot outside licence period
 - 1 – untagged roo
 - 1 – exceed licence allocation
- 20 Cautions have been issued
- There have been 355 chiller inspections done of the 145 chillers licensed with KMP
- Two matters have been heard in Court
 - Unsubmitted returns - the harvester was found guilty and fined \$200 for each of the 3 offences; \$800 professional costs and \$81 court costs.
 - Falsified applications and harming protected fauna - the harvester pleaded guilty and was fined \$300 on each of the 3 offences involving falsified applications, \$500 for harm protected fauna, \$500 professional costs and \$324 court costs.
- There is still one Court matter pending.
- OEH also investigated a report of field-dressed carcasses dumped on a river bank near Moree. One of the carcasses found its way into the river. There was not enough evidence to prosecute anyone.

Budget & implications

- KMP's budget is in deficit
- The Government of the day has taken a hard line on overspending, but it is difficult for KMP to manage the budget with no control over revenue.
- KMP is attempting to reduce expenses:
 - The Broken Hill office has been closed and licences for those zones are now issued through the Dubbo office.
 - One of the Licensing Officer positions in Dubbo is now vacant, and will be replaced with a part-time Customer Service Officer at a lower grade.

Draft 2012 Quota Report – in prep

- The draft 2012 quota report will be prepared on the assumption that the plan will be approved.

- The KMAP meeting set down for November this year to discuss the quota report will now be a teleconference or on-line meeting.
- An accident with the OEH plane caused some of the surveys to be done later in the year in the Western Plains and the correctional factors needed to be changed to reflect this.
- As a result of the surveys some zones will need to be suspended for the rest of 2011
 - Eastern Greys in Broken Hill
 - Eastern and Western Greys in Lower Darling
 - Western Greys in Cobar
 - Western Greys in Bourke
 - Eastern and Western Greys in Griffith
- There will be a reduced quota of 10% in some areas for 2012
 - Western Greys in Broken Hill
 - Western Greys in Cobar
 - Western Greys in Bourke
 - Western Greys in Tibooburra
- Eastern Greys and Western Greys in Lower Darling will be suspended in 2012

NSW FA has indicated that it will approach the CMAs to see if they can provide funding at an estimated cost of \$13,000-14,000 to re-survey the Lower Darling zone.

Action 3: OEH will provide a more accurate estimate to NSW FA for the cost of a new survey in the Lower Darling zone.

Action 4: OEH will email the summary page of the Quota Report to the Panel when the figures are made public.

Other matters as raised by members

Comments received by OEH from the Commonwealth

Comment 12 asks what if anything are OEH doing to address the concerns from the Literature Review that suggest the current triennial helicopter survey technique does not offer adequate precision for managing the commercial harvest of wallaroos within this environment.

OEH will reduce the quota for wallaroos to 10% if the Commonwealth requires this.

Action 5: OEH will email the discussion sheet to the Panel members when it is completed.

List of Actions:

Action 1: OEH to send a summary of carcase weight analyses for 2011 to the KMAP Panel.

Done. Monthly updates provided throughout 2012.

Action 2: OEH to send carcase weight analysis summary data for 2011 to KIAA.

Done. Monthly updates provided throughout 2012.

Action 3: OEH will provide a more accurate estimate to NSW FA for the cost of a new survey in the Lower Darling zone.

Not done. Issues with high temperatures exacerbated, re-survey not considered appropriate.

Action 4: OEH will email the summary page of the Quota Report to the Panel when the figures are made public.

Done

Action 5: OEH will email the discussion sheet to the Panel members when it is completed.

Done 19 December 2011, in addition to final plan and EPBC checklist.