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THE PARLIAMENTARY JOINT STANDING COMMITTEE ON SUBORDINATE LEGISLATION MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART, ON THURSDAY 10 MARCH 2022

INQUIRY INTO CROWN LAND REGULATIONS 2021 (S.R. 2021, NO. 87)

MARK BRYCE, DIRECTOR LANDSCAPE PROGRAMS, PARKS AND WILDLIFE SERVICE; **JESSE WALKER**, TEAM LEADER (ASSESSMENTS), POLICY AND PROJECTS, PARKS AND WILDLIFE SERVICE; **SUZY KIDD**, MRS JACQUIE PETRUSMA'S OFFICE, MINISTER FOR POLICE, FIRE AND EMERGENCY MANAGEMENT, MINISTER FOR THE PREVENTION OF FAMILY VIOLENCE, MINISTER FOR PARKS; AND **LUCY THORNE**, MANAGER, PROPERTY SERVICES MANAGEMENT, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Ms Rattray) - Thank you very much for your time today. The committee felt that this was an important issue, and to actually have the information on the public record would be advantageous, not only for us as members, but also for the general public. We will start the broadcast.

Before we ask you to take the statutory declaration, you are most welcome to remove your mask when you are speaking. Sometimes it is not as clear when you do not, so that is acceptable, but when you are not speaking, if you put it on, that is helpful. I would like to introduce our members, because we do have a return member and a very new member today. We have Janie Finlay, MP; we have Ruth Forrest, MLC; myself, Tania Rattray; we have John Tucker, MP; our newest member of the committee is Lara Alexander, MP; and we also have Meg Webb, MLC. We have our secretariat support, Julie Thomson; and Allie; and we have Gaye and her support on Hansard; thank you.

Thank you, and welcome to the public hearings of the Joint Standing Committee on Subordinate Legislation, in the inquiry into Crown Land Regulations 2021 (No. 87). The evidence taken at this hearing is protected by parliamentary privilege and I would just like to remind you that the comments you make outside of the hearing may not be afforded such privilege. You have read the copy of the witness statements information? Thank you. The evidence you present will be recorded and broadcast and the *Hansard* version will be published on the committee's website when it is available.

I would invite whoever - I think Mark - you are going to make an opening statement, in regard to the crown land regulations that we have before us. Thank you.

MARK BRYCE - I am unsure as to the particular aspect of the crown land regulations that the committee wishes to explore but by way of introduction, as you would be aware, the Crown Land Regulations 2011 were reviewed in 2021. The regulations primarily relate to the care and control of public reserves and the use of the public reserves, primarily.

Public reserves are dedicated under section 8 of the Crown Lands Act 1976. Public reserves cover approximately 21 600 hectares in the state. It is 0.23 per cent of the land area of the state. The public reserves are usually managed by the Parks and Wildlife Service with

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the Director General being the managing authority. Many of the public reserves are usually licensed by local councils for public use.

So, if you would like I can go through the changes.

CHAIR - That would be excellent, thank you.

Mr BRYCE - Notable changes to the Crown Land Regulations were regulation 3. There are some new interpretations, inclusion of a new definition product of wildlife to provide clarity about what products of wildlife is and that references the Nature Conservation Act. Previously it just appeared in there without any definition whatsoever.

The amendment to regulation 11, to include flying devices to address the use of remotely-piloted aircraft or drones, as most people refer to them, in a public reserve. An update to the provision by which a person can be notified of limited access to certain places to include electronic means. An example is where we might have public reserves affected by fire and the need to put up electronic boards to alert people to the fact that it is closed mainly due to safety concerns. This provision previously was only via a sign or a published notice. So, that is keeping up with the times.

The previous regulation 23 was updated to once again enable electronic communication and authority, an authority which can be granted under regulation 22 now. Once again that includes latest technology, website, electronic communications where previously it was all written.

There is an extension to the exclusion period for a person found offending on a public reserve. Those instances where someone can be excluded is included in the regulations. Previously it was only for 24 hours, but now that has been extended up to a maximum of seven days. This reflects some of the seriousness of those activities and also it is consistent with the management of reserve land. Often, the Parks and Wildlife Service is managing reserve land which is adjacent to a public reserve so it ensures that consistency in approach.

There is an increase in the number of penalty units assigned to regulation 27 from two to five, five being the maximum that is allowable under the act.

There has been an update to the delegation's regulation 29 to include more generic titles. Previously, that was quite restricted, so that allows a bit more flexibility to delegate powers to individual roles or titles.

On top of that, there are a number of minor inconsequential amendments recommended by the Office of Parliamentary Counsel.

CHAIR - Anything that you would like to add to that Suzy, Lucy or Jesse? No? Thank you then.

I will open it up for questions now. I note on the fact sheet that was provided, that you talk about targeted consultation that was undertaken with stakeholders. Can we have some indication of who those stakeholders were as a targeted consultation process?

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Mr BRYCE - I checked on that. Most of it is internal. We have operational managers, we have regions and the regional staff implement these regulations and law enforcement officers are mainly engaged in implementing the regulations.

CHAIR - No broad consultation?

Mr BRYCE - No broad consultation in that the extent of the changes that were possible were quite limited because of the act.

CHAIR - My other question is about the extension of the exclusion period from 20 for offending on public reserves and from 24 hours to a maximum of seven days. You refer to reflect the seriousness of specific offences. Was seven days considered for a serious offence? I would have thought seven years.

Ms FORREST - You have to police it, don't you?

CHAIR - You have to police seven days for that matter. Just some indication, I know it might well be reflected in some other area but I am interested in where the seven days comes from, considering the serious nature of the offence.

Mr BRYCE - The reasons that you can restrict access to a public reserve is if someone is intoxicated and they are acting in a manner that may offend, annoy or injure another person and obstructing an authorised person to actually exercise powers. These are very similar to what we experience on reserve land. That was where seven days were considered sufficient by law enforcement officers for those types of behaviours to moderate and possibly allow in after that. I think it was linked to those types of behaviours and what was reasonable.

Ms WEBB - I am interested in that too because it is quite a jump from 24 hours to seven days. The things you described then, where here the explanation is to reflect the seriousness of specific offences. The things you described in that explanation did not sound overly serious, to be honest. Can you give us some more detail about the rationale that sits behind that and how the period of time is going to be determined? Presumably it can be up to seven days, so somebody decides is it 24 hours, is it three days or is it seven? What does warrant seven? Being intoxicated and being annoying? It does not sound particularly serious and it doesn't sound like it needs seven days.

Mr BRYCE - It is probably unlikely that it going to need seven days. More that when someone is harassing another camper in a public reserve and they might actually suggest that they can't return for the next couple of days but if they do so they might up that. We would usually involve the police in such circumstances.

Often with the crown land regulations there are other regulations that we probably would use and are more appropriate to the circumstances. There is a request from law enforcement officers that it will be useful to have a longer period of time.

Ms WEBB - Of course they would request that. That advice was not sought from anybody else on the appropriateness of that length of time other than the request from law enforcement officers?

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Mr BRYCE - No, we have based it on the recent review of the National Parks and Reserves regulations.

Ms WEBB - Was that done on the request of law enforcement officers too?

Mr BRYCE - Yes, that is right.

Ms WEBB - Interesting. I am a little bit disturbed by that to be honest. It is a long time to say someone cannot come into a public area for seven days. I understand the functionality of wanting to be able to remove someone who perhaps is presenting a problem and some time elapsing will assist with that dying down. However, that is quite a long time to exclude someone from a public space and to do it just at the request of law enforcement, who, of course, will always prefer to have more availability in what they can bring to bear than not.

Ms FORREST - I assume this same provision would be used more if someone was intoxicated and being a nuisance in public. I can think of some reserves in my electorate where this used to happen repeatedly, destroying infrastructure and the like. Would this seven-day rule be more likely to be used for repeat offenders who keep turning up and harassing people?

Mr BRYCE - Yes.

Ms FORREST - What I am hearing you say, and I would like you to clarify, is it would have to be pretty serious or repetitive to actually get anywhere near a seven-day exclusion. But just one person being intoxicated and perhaps being a bit abusive while that is never okay, but they are not going to get seven days straight up of exclusion.

Mr BRYCE - No, very unlikely. In some places, for example Cockle Creek where you have a group down there, they are particularly boisterous. They have a lot of alcohol of an evening. If they end up harassing other campers nearby they might be excluded. If they are only excluded for 24 hours then and they come back in and just repeat the same behaviour, this allows us to say 'you need to stay out for a little longer now', which would usually involve the police too.

Ms FORREST - Would the seven days in the example you used, when they are excluded for 24 hours and then came back and did similar or worse, be seven days on top of that potentially?

Mr BRYCE - Yes, potentially it could be so. Separate events, separate incidents that occur. Second time around.

Mr TUCKER - I was going to ask you about the hunting equipment. You have there in the regulations that means any implement, weapon, apparatus, or material that a) yes, I can understand, b) is incapable of being so used because of. Can you explain a little bit more what you mean in there? That could mean anything. That could mean a chair, a table, a head the way it reads at the moment.

Mr BRYCE - It was expanded to include the definition for products of wildlife under the Nature Conservation Act. The Nature Conservation Act refers to animals, whether they are dead or alive and includes dead bodies of animals. It includes eggs from any form of wildlife and nests. It is a broader definition. If you are using equipment to take those sorts of things,

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that is covered now. Where previously taking of wildlife has a particular definition, a common definition, this actually links it to the Nature Conservation Act so we get consistency in the way we deal with products of wildlife now.

Ms WEBB - I was interested again for a little more explanation on the penalty unit increase in regulation 27, the jump from two to five penalty units and the rationale behind that particular magnitude of increase.

Mr BRYCE - My understanding was it was a recommendation from the Office of Parliamentary Counsel.

Ms WEBB - For a consistency purpose I assume?

Mr BRYCE - Yes, consistency for most of the level five penalty units now.

Ms FORREST - Going to the use of aircraft and flying devices. We have had the issues of drones dealt with by way of bylaws in this committee previously with council bylaws. I am interested to know who would determine what is an emergency. You could have someone in a public reserve area who has injured themselves and the quickest way to get particular support may be via drone. We can maybe see more of that being used to deliver medical aid. How is an emergency defined or declared that would make that safe to do or acceptable under the regulations? You cannot even fly over to drop anything.

Mr BRYCE - Yes, well, we do not control the air space, so it is really about that landing or the dropping of something from an aircraft. So, most of all emergency flights are actually conducted by the Police, Search and Rescue.

Ms FORREST - Including drones, that might be delivering aid?

Mr BRYCE - They could actually start using drones in the future. That would all be considered, I would think, in an emergency under the definition of 'emergency'. We have had instance, where pilots have had to land for an emergency situation. We have had instances elsewhere, on reserve land, where some assessment was needed to be made as to whether it was an emergency situation. That is where we would actually consult with relevant specialists in those sorts of cases.

Ms FORREST - Okay, and parachutists? It does not refer to parachutists? Can parachutists land on a public reserve? I am hoping they are not dropping out of the aircraft but I hope they are coming down gently.

Mr BRYCE - They are not using the aircraft. This regulation is about the obligation that is on the pilot because the pilot is flying the aircraft and they are throwing things out of the aircraft. It is the actual person who is controlling that aircraft.

Ms FORREST - So, it is their responsibility as to - but a parachutist can land in a public reserve?

Mr BRYCE - Yes

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Ms FORREST - If you need to clarify that further after the hearing, feel free. I mean particularly as sometimes they go a little bit off course, as we know. I have no desire to jump out of a perfectly well-functioning aircraft, but my sons did. Before they went, I just told them to tell me when they were done.

Just going back to the preservation of good order in relation to the Government House land, that has increased the penalty units there as well. Just wondering whether that was just for consistency or have there been incidents there that the Governor has or the Governor's Office has requested such an increase?

Mr BRYCE - No, I am not aware of any instance. I think it was mainly about inconsistency and also the fact that two penalty points are pretty minor nowadays. You know, it is a fairly low level. So, I think they were just keen on maintaining relevancy.

Ms WEBB - I wanted to clarify that limited access to certain places would have been added in the electronic display of a notice to restrict access. The way it is worded, the managing authority of a public reserve may display the sign that is in the public reserve or now, electronically. And then, of course, there are penalties if people do not comply with that notice.

So, are there circumstances - I understand that in an emergency or at short notice putting it up on website of whatever is going to be the biggest way to alert people to not be in a place, but, are there going to be times people might be inadvertently entering somewhere, where there is not a physical sign but on a website somewhere, there is a notice to say 'do not go there'. They would not necessarily have cause to have looked on that website?

Mr BRYCE - Yes, that is right and we would be taking those circumstances into account in dealing with anyone in those circumstances. So, obviously being reasonable, someone is already there or on their way and they did not happen to see it, it was not well publicised, all those sorts of factors.

Ms WEBB - So, there is flexibility in applying that?

Mr BRYCE - Well, there is discretion you would use depending on the circumstances.

CHAIR - Division 1 (9), which is about the removal of vehicles. We often see where vehicles have been dumped, if there is an ability to identify who owns the vehicle, there may well have been a stolen vehicle. Is there any opportunity to recoup some finances? You do not get anything towed for no charge these days. Is that something that happens very often? Page 9, number 9, removal of vehicles.

Mr BRYCE - I would have to take that on notice as I am not actually sure. Usually, where we can identify the owner of the vehicle, we would be contacting them. I do not have any of that information to hand.

CHAIR - If that can be provided for the information of the committee, because we know unfortunately that can happen, quite a bit on crown land, wherever they can put it out of the way. I will just go up and down the table, yes, thank you, Mr Tucker?

Mr TUCKER - I was going to follow on from Meg, who has covered most about the website operated in the authority. I wonder if you could expand a little bit more on that, how

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that will be operated, and how it will affect people, like you said before, that might have missed it. It might have been well publicised and is on a website, but not there as a sign or something like that at that a particular site.

Mr BRYCE - Signs would always be used, but, by electronic means also increases the chance the information will get out there to those intending on visiting. The signage, is usually erected in major entry points to the public reserve.

Electronic means is another mechanism we can use to communicate. I cannot imagine there would be a situation where we would need to in the longer term of more than the first few hours, just put electronic notice up saying no access to the public reserve.

It is mainly for public safety, particularly where areas are being fire affected was the main motivation behind it.

CHAIR - If there are no further questions, on behalf of the committee we would sincerely like to thank you for your time today, it is very useful information. It also shows a clear intention by the committee to thoroughly examine the regulations that are in place and we trust the community appreciate, not only the work that you do but the work the committee does here.

Thank you, again to remind you that public hearing was broadcast and anything that you say outside of this is not afforded parliamentary privilege. Again, we thank you.

THE WITNESSES WITHDREW.