



2022

Parliament of Tasmania

JOINT STANDING COMMITTEE

SUBORDINATE LEGISLATION

INQUIRY INTO THE NATURE CONSERVATION (WILDLIFE) REGULATIONS 2021 (S.R. 2021, No. 93)

Members of the Committee:

Ms Tania Rattray MLC (*Chair*)
Ms Ruth Forrest MLC
Ms Leonie Hiscutt MLC (*from 25 May 2022*)
Ms Meg Webb MLC (*Deputy Chair*) (*to 18 May 2022*)

Ms Lara Alexander MP (*to 15 August 2022*)
Ms Janie Finlay MP (*Deputy Chair*)
Mr John Tucker MP (*to 22 April 2022*)
Mr Simon Wood MP (*from 3 May 2022*)
Mr Dean Young MP (*from 16 August 2022*)

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Introduction

The Joint Standing Committee on Subordinate Legislation (the Committee) was appointed under the provisions of section 3 of the *Subordinate Legislation Committee Act 1969*. Section 8 of the Act outlines the functions of the Committee, as follows —

- (a) to examine the provisions of every regulation, with special reference to the question whether or not —
 - (i) the regulation appears to be within the regulation-making power conferred by, or in accord with the general objects of, the Act pursuant to which it is made;
 - (ii) the form or purport of the regulation calls for elucidation;
 - (iii) the regulation unduly trespasses on personal rights and liberties;
 - (iv) the regulation unduly makes rights dependent on administrative decisions and not on judicial decisions; or
 - (v) should properly be dealt with by an Act and not by regulation; and
- (b) to make such reports and recommendations to the Legislative Council and the House of Assembly as it thinks desirable as the result of any such examination.

Inquiry

On 10 March 2022, the Committee resolved to commence an inquiry into the NATURE CONSERVATION (WILDLIFE) REGULATIONS 2021 (S.R. 2021, No. 93) (the Regulations). The decision to commence the inquiry followed consideration of correspondence received from two stakeholders outlining their concerns in relation to the partly protected status of European Fallow Deer provided for under the Regulations.

The Committee resolved to invite the two stakeholders along with the Minister and/or Departmental Officers to attend a public hearing to provide evidence.

The inquiry process was interrupted by the prorogation of the Parliament on 6 April 2022, following the Premier's resignation.

On 29 June 2022, the following witnesses provided evidence at a public hearing:

INVASIVE SPECIES COUNCIL

Peter Jacobs, Deer Project Officer (Victoria)

Christine Milne, Ambassador

SIMON CAMERON

DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT TASMANIA

Andrew Crane, Former Manager of the Policy, Advice and Regulatory Services

Branch, Environment Heritage and Land

Greg Hocking, Principal Wildlife Management Officer

Rebecca Pinto, Acting Director, Policy, Projects and Regulatory Services Branch

Robin Thompson, Manager, Game Services Tasmania

Again, the inquiry process was interrupted by the prorogation of the Parliament on 1 August 2022, following Minister Petrusma's resignation.

Due to the prorogation of the Parliament occurring twice over the past four months, on 16 August 2022, Ms Rattray gave Notice of Disallowance Motion in the Legislative Council to ensure that the Committee reserved its right to move to disallow the Regulations due to the Committee being unable to complete the inquiry process within the timeframe as provided for under section 47 of the *Acts Interpretation Act 1931* in relation to disallowance.

All correspondence, additional information and the Transcripts of Evidence relevant to the Regulations are attached to this Report and should be read in conjunction with this Report.

Evidence

The Committee notes the broad remit of the Regulations. However, due to the concerns raised from non-government witnesses, the focus of the evidence relates to European Fallow Deer.

Non-government witnesses that appeared before the Committee noted their key concern within the Regulations was sustaining the partly protected status of European Fallow Deer.

Invasive Species Council (ISC) provided background in relation to this concern. Peter Jacobs stated:

As you know, fallow deer were introduced in Tasmania in 1836 to provide a hunting resource and for many years that population remained very low, just a few thousand for decades, probably at about 7000 or 8000 prior to the 1980s. We saw that population really explode about the 1980s and it's now largely out of control and up to 100 000 fallow deer are thought to occur throughout Tasmania, growing at about 11.5 per cent a year, according to research from the University of Tasmania.

According to the University of Tasmania, it's feasible that by 2050 Tasmania will have one million feral deer covering 56 per cent of the state. Those fallow deer are having significant impact on farmers; on biodiversity in protected areas; on ecological restoration; plantations; urban amenities, such as parks and gardens; and worryingly, they are a growing threat to motorists. The annual cost of that impact is estimated to be around \$100 million and that came particularly from the Tasmanian Farmers and Graziers Federation.

This has been allowed to occur under a regulatory regime, with deer prescribed in the regulations as protected wildlife, to provide a game resource for hunters. We believe this has hindered control and led to significant obstacles preventing landowners and land managers from undertaking effective deer control, and the evidence is what you see now, in the growth of the numbers and the spread. We believe that there was a missed opportunity to resolve this in the Nature Conservation (Wildlife) Regulations 2021, where there was an opportunity to address that situation.¹

ISC Ambassador, Christine Milne added:

I particularly want to talk about our World Heritage Area and National Parks. They are important for biodiversity, but they are also really important for Tasmania's national and international reputation. We already have deer in the World Heritage in the Walls of Jerusalem and people are horrified that they have come to a Wilderness World Heritage area and find an invasive animal right in there. They are trampling, they are browsing, their herd marks are in the cushion plants. They are browsing on cider gums,

¹ Peter Jacobs, Deer Project Officer (Victoria), Invasive Species Council (ISC), *Transcript of Evidence*, 29 June 2022, p. 2.

they are an absolute menace and there is a pathway for them to get from the Walls through to Cradle Mountain. We are faced with a very serious problem with the deer. They are also in Douglas Apsley, they are in Freycinet, they are at the Friendly Beaches, they are in Ben Lomond and they are even on the Tasman Peninsula. All of those National Parks have feral deer, to the point where, where you drive in at Freycinet, on the side of the road there is one of those Wildlife Hazard signs that has a deer on it. I find that so offensive because deer are not wildlife; they are not Tasmanian wildlife, they are a feral animal. It has got to the point where the same level of protection is being afforded them as the rest of our native animals.

The second point I want to make is on road safety and the peri-urban areas; not so much road safety but I think it's shocking that deer have been seen in Knocklofty, right in the Hobart suburbs. They are on the Kingston Golf Course; they are in Launceston; they are all the way between Danbury Drive into Legana and on.

Those peri-urban areas are really serious. There was a big stag right next to the West Tamar Highway not so long ago. People come along there at 100 kilometres and the last thing they're expecting is deer. It's only a matter of time before somebody is involved in a serious accident in Tasmania. Some councils, like Meander Valley, have started collecting data on the number of near misses and accidents and things from encounters with feral deer. Somebody recently wrote off their car on the St Marys Pass. They are, literally, everywhere.²

The ISC recommended removal of European Fallow Deer as partly protected wildlife from Regulation 3(1) and Schedule 8 of the Regulations. Peter Jacobs stated:

The Invasive Species Council believes that landowners and public land managers should not need a permit to control feral deer on their properties and indeed, should be encouraged to do so. Protecting feral deer under Nature Conservation (Wildlife) Regulations 2021 is, in our view, completely out of touch with the devastating impact that feral deer are having on Tasmanian community and the environment. Tasmania is the only state in Australia where feral deer are protected on private land. We recommend or we put to this inquiry that the Nature Conversation (Wildlife) Regulations should be amended to remove reference to deer as part of protected wildlife from section 3(1) of the Wildlife Regulations where they are described as such, and remove European Fallow Deer from Schedule 8, which is part of the protected wildlife. This then allows deer to be considered to be a pest species under other legislation. ...³

Simon Cameron, Farmer in the Northern Midlands agreed and stated:

It will allow for all landowners to more effectively protect biodiversity and in areas like the Midlands conservation hotspot, it's mainly private land that we're talking about but there are other natural assets in the state that need protection as well.

It will improve the personal life of landowners and something that doesn't really get out there too much is the actual impact on the people who have to deal with this on a day-to-day basis. My dwelling is in the middle of my farm and I see the impact of deer every day and it's very wearing.

² Christie Milne, Ambassador, ISC, *Transcript of Evidence*, 29 June 2022, pp. 3-4.

³ Peter Jacobs, *op. cit.*, pp. 2-3.

The removal of deer from the regulations will reduce the bureaucratic need for administering deer and there are cost savings in that. It will reduce the biosecurity threat to Tasmania if we can reduce the population over time and this one's a bit difficult, but it probably needs to be said, it will halt the apparent growing trend towards controlling deer through illegal shooting. People have to protect their enterprises and there are times when they just get on with it and the logical extension of that is the control and management of deer is lost anyway.

The removal of deer from the regulations is not going to bring an end to recreational hunting. Indeed, the activity may be better off without the encumbrance. In many places - and my own farm included - when we have the opportunity to cull deer, we use that to the maximum and we cull the maximum. It can no longer be described as a recreational activity.⁴

In response to the removal of the partly protected status of European Fallow Deer from the Regulations, NRE Tas stated:

Mr CRANE - *In terms of the status of wild fallow deer as partly-protected wildlife, again, I will make the distinction between policy and regulations. In the regulation, they retain that status as the regulations currently stand. It has been the Government's policy - clearly articulated in 2018 and reiterated in 2021 - to support a recreational deer hunting enterprise in Tasmania - an activity for recreational deer hunting. That is a policy position which is reinforced by the status of the wild fallow deer as partly-protected wildlife.*

...

Mr THOMPSON - *I think it's really important to recognise that there's a whole group of stakeholders who have a stake in deer management. Obviously, agriculture is one; forestry; conservation; and of course; the broader community. In managing deer, it's a juggling act - as you would appreciate - to try to manage them in a way that each of those stakeholders gets maybe something of what they want and, of course, rarely does anyone get all of what they want.⁵*

NRE Tas provided information regarding the community consultation process that took place as follows:

Mr CRANE - *I make the observation that, through the community consultation process for the Tasmanian Wildlife Regulations Review, we received 54 submissions. ...*

...

Mr CRANE - *In terms of proportion, it's a little difficult to say. We received a number of submissions that were campaign-style submissions, which contained virtually the same wording from a number of different people. The majority, or all of those, that were of a campaign-style called for exactly the same thing - that is, the change in status*

⁴ Simon Cameron, *Transcript of Evidence*, 29 June 2022, p. 12.

⁵ Andrew Crane, Former Manager of the Policy, Advice and Regulatory Services Branch, Environment Heritage and Land and Robin Thompson, Manager, Game Services Tasmania, Department of Natural Resources and Environment Tasmania (NRE Tas), *Transcript of Evidence*, 29 June 2022, p. 17.

of wild fallow deer. They use broadly similar words throughout the basis of the submission. Many of them were very short. We also received some substantive submissions both for and against that change from the various stakeholder groups - community groups and stakeholder peak bodies. We also received one government department submission which was from Tasmania Police.⁶

NRE Tas acknowledged the increase in population growth and provided information on managing the increase as follows:

CHAIR - *Have you actually done an assessment of how big of an increase we would need in Tasmania to start reducing the numbers to beat the population growth? Have you thought about that? I bet you have over 30 years.*

Mr HOCKING - *The population under current take levels, which have been increasing in recent years, of course, in parallel with the increase in population, is going at about 4-5 per cent per annum. That's the current rate of increase. Clearly, we need to take more - and we need to take them more effectively in distant parts -*

CHAIR - *Like the focus on the female?*

Mr HOCKING - *That's right. Rather than just taking deer within the Midlands, which is important, we need to spread the take out and the plan that's been referred to by Simon and discussed earlier aims to do that. The zonal system that the plan proposes, with different levels of regulation within those zones allows for greater pressure to be applied outside zone 1 which has been referred to as the traditional deer range in the Midlands.*

CHAIR - *My final question before I let others ask theirs in this matter is about the professional hunters. Has the department considered going in to do a big cull to try to really suppress the numbers in maybe a one or two season hit and bring a more manageable number down and then continue on that pathway?*

Mr THOMPSON - *As Simon said, most of the deer in Tasmania are on private land. That means that their fate is really in the hands of the landowner within the bounds of the current regulations. As I've just said previously, there have been no real take-limitations placed on taking deer in the recent past other than the fawning moratorium which has been changed but it is from the 15 November to the 15 March, not taking does.*

If an individual property really wants to have zero deer or take as many deer as they wish, they can do that under the current regime.

CHAIR - *They can get a permit under regulation 38.*

Mr THOMPSON - *Well that but also under the normal regulations that refer to property protection permits. In zones 2 and 3, under the new policy associated with that, it's 365 all classes of deer, no take limits, no tagging, which really means that is fairly aggressive management that hopefully will manage down or potentially eliminate the population. The elimination thing is really challenging. It needs lots of resources because as the population gets lower and lower, the chances of actually seeing an*

⁶ Andrew Crane, op. cit., p. 17.

individual within that population gets lower also. So exponentially you need progressively more resources to remove a smaller number but, again, most of those animals are on private land and it really depends on the will of those land managers to want to manage those animals.

There is no government policy that we're going to eliminate a partly-protected wildlife species as they are at the moment. The opportunity is there but you might note that there is a project which is about to take off - literally - which is a trial looking at shooting from a helicopter to eliminate. That's the aim but the effective outcome, certainly in the first instance, will be significant population reduction of deer in the Walls of Jerusalem National Park and to evaluate that technology for use in other crown-managed properties.⁷

A further concern raised by ISC was in relation to Regulation 34 – Property Protection Permits. Peter Jacobs explained:

We believe the regulations hinder that effective control by requiring landowners to obtain property protection permits under section 34 to control deer on their land if they can demonstrate economic damage from deer to crops, stock and associated equipment. Interestingly, it doesn't include damage to biodiversity or ecological restoration. This also generates a game policy in Tasmania where landowners need to support sustainable hunting principles and develop property-based management plans with hunters, if they want to log a term permit to control deer on their own properties.⁸

ISC recommended that if the removal of partly protected status of European Wild Fallow Deer from the Regulations does not occur then at least, Regulation 34 – Property Protection Permits be amended as follows:

... like to see under section 34, which talks about property protection permits adding the condition that a permit can be achieved to protect and conserve biodiversity backers, including conservation, revegetation and ecological restoration orders. The same addition needs to be made to regulation 49, to carry that through.⁹

NRE Tas responded. Andrew Crane stated:

Clearly, one of the fundamental issues that's been raised today is of the capacity of the regulations to permit the taking of wild fallow deer for the purposes of conservation. There is that capacity within the regulations. It does exist. It does not sit within the property protection regulation but it sits within another regulation - regulation 38 within the regulations as they exist. A permit can be granted for the taking of wild fallow deer for the purposes of conservation; that includes the protection of high-value grasslands, native vegetation replanting, anything that may go along those lines. I wanted to make that point, that the regulations as they stand, and have been developed, do contain that provision. It's just that it does not sit within the Property Protection Permit provisions; but the provisions themselves do exist and can be utilised.

⁷ Robin Thompson, op. cit., Greg Hocking, Principal Wildlife Management Officer, NRE Tas, *Transcript of Evidence*, 29 June 2022, pp. 20-21.

⁸ Peter Jacobs, op. cit., p. 2.

⁹ *Ibid.*, p. 3.

How they're utilised is a policy matter but I can speak to regulations in terms of what's required of a proponent or an applicant, should they wish to receive a permit for that purpose. I thought that was important to make that clear.¹⁰

NRE Tas provided detail regarding additional measures contained within the Regulations for the control of European Fallow Deer as follows:

Mr HOCKING - ... *From my perspective, which is, I suppose, below the broader heading, the regulations certainly allow a lot of flexibility, via the Secretary and delegates under the secretary, to take certain actions and as also already flagged -*

CHAIR - *Such as regulation 38, about the permit for purpose of conservation.*

Mr HOCKING - *That is right. Yes, that; and also the area of responsibility which is primarily the property protection permits and the flexibility that is allowed there in terms of allowing certain things like use of detection devices, as the regulations refer to now. That includes spotlights, thermal scopes and night vision equipment, which is generally banned, except it is allowed under all permits that permit the taking of nocturnal wildlife. It is accepted as a legitimate means of taking those animals more efficiently for the benefit of property protection.*

I also note that these regulations allow property protection to be a little bit wider now, in that they allow protection of infrastructure. Previously, the old regulations spoke about just preventing damage or injury to plants or stock. The new regulations have expanded that to include infrastructure like fencing or sheds or whatever. There are some innovations there that I think will please landholders.

Mr THOMPSON - *It is probably also important to note that even with the regulations it is possible to take at least one class of deer, 365 days of the year. That has two consequences. One consequence is dead deer, so it reduces the population. The second consequence is population dispersal. That can happen, even with these regulations, for the whole year. When we have been given permits, certainly in the last four or five years, the take limits have not really been applied. People have the number of permits to take the number of animals that they have requested.*

CHAIR - *They do not ask for any more?*

Mr THOMPSON - *Yes, they do sometimes. I don't ever think that there has been, in that time period, a permit application that's been rejected because of taking too many.*

...

Mr HOCKING - *One of the major innovations, I think it was in 2020, was made to the regulations, was to remove tagging and take limits on antlerless deer, meaning principally female deer. From a biologist's perspective, if you're going to put a lid on a population it is much more effective with a species like deer to hit - to take, kill, female deer than it is male deer.¹¹*

¹⁰ Andrew Crane, op. cit., pp. 16-17.

¹¹ Greg Hocking and Robin Thompson, op. cit., pp. 18-19.

The Committee questioned NRE Tas in relation to the effectiveness of the Regulations in managing European Fallow Deer:

Mrs HISCUTT - ... I'm hearing you say that it's well within the regulations for farmers to go out and do what they need to do. I hear from farmers saying, 'We're getting inundated and we can't do.' Where's the disconnect between what you're saying and what we're hearing? Do you have an opinion? Are the regulations too difficult? Why is it not being picked up at the other end, and the farmers or the cullers are saying it's just a matter of tick, tick, tick; the department says 'yes'. What do you think, where is the disconnect here? Do you have an opinion?

Mr THOMPSON - It's a theme but as a farmer, you most effectively control browsing wildlife at night. That means that you're doing the day job and then you do your night job and that's unsustainable over a long period of time, which, of course, I'm sure others will attest to.

Mrs HISCUTT - I'm the same. We're farmers too. I understand this; but this is not what I'm hearing from the farmers.

Mr THOMPSON - No. I guess they rely on other people. There are two classes of 'other people'. They are recreational hunters. Recreational hunters, of course, are just that - they are recreational. Without verballing anyone, their aim in the world, I suppose, is to continue recreating in the way of hunting, and therefore, their aim is to ensure that there is a supply of whatever it is that they are hunting. Yes, they will have a level of effectiveness. Of course, the commitment that recreational hunters can make is probably somewhat limited too, because they also have a day job and it is their recreation. That comes to the third class of people and that might be the people you pay to shoot. There are a number of people who do earn their living as paid shooters, professional shooters. They are not hunters; their aim in the world is to see it and kill it, within the bounds of all the animal welfare requirements et cetera. A recreational hunter might be a bit more selective, and might have a slogan of 'let it go, let it grow'. That means we keep this stag this year because it will have a much more increased trophy value next year, or the year after. It is speculation, but there is a supply of people who want to do this antisocial work maybe because it is a bit like working in a restaurant. You work when everyone else is playing.¹²

Simon Cameron expressed concern in relation to the Regulations being outside the scope of the *Nature Conservation Act 2002*, he explained:

... Deer control has become much bigger than just being a problem for some farmers who find themselves thwarted by government-enforced privilege for a very small percentage of the population. It is an issue and a growing cost and a risk for all Tasmanians and this is the way it must be considered and dealt with. How can a species that has, as per the DPIPWE risk assessment, which would now prohibit the import of that species into Tasmania, be protected under the *Nature Conversation Act*? A solution at law needs to be found to sort this out.

Legal advice suggests that the new regulations, in fact, present such an opportunity. I would like to quickly take you through that. It is the appropriateness of the proposed regulations that needs to be considered. They do not pass muster and the fact that the

¹² Robin Thompson, op. cit., pp. 22-23.

secretary is compromised in administering them as they do not have regard for the Nature Conservation Act's planning system objectives. Section 76 of the NCA provides for the making of regulations with regulations being within the terms of the act.

As the Subordinate Legislation Committee Act says, these regulations must be consistent with, and advance the objects of the act. The relevant objects are described in section 5: in exercising any powers or performing any functions under this act - that is the NCA - a person is to have regard to the resource management and planning system objectives.

These objectives are also found in the NCA itself. The objectives of resource management and planning system of Tasmania are: to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity and secondly, to provide for the fair, orderly and sustainable use and development of air, land and water.

The question then is, how can the maintenance of fallow deer, identified by DPIPWE scientists as having extreme consequences for agriculture and the environment, promote sustainable development of resources and maintain ecological processes? It doesn't. And arguably, it achieves the opposite. How does it lead to the fair, orderly and sustainable use of land? It doesn't.

Clause 2 of the schedule, still with the NCA, notes that sustainable development has a particular meaning and I doubt very much that that maintaining of fallow deer in Tasmania could be described as sustainable development as per the act itself.

If we look at the regulations, proposed regulation 48 really crystallises the issue. It sets out the secretary's ability to refuse a property protection permit and to grant a hunting licence. This is prone to facilitate the ongoing existence and prevalence of fallow deer and consequent damage to farming interests and to reserved lands which of course, include all our national parks.

Given that aspects of the proposed regulations are inconsistent with the objects of the Nature Conservation Act, I ask that to fulfil its duties the committee does two things. Firstly, it should prepare a report of the impact of fallow deer and outline why the regulations are inappropriate in their present form, i.e. that they are inconsistent with the NCA planning system objective. The DPIPWE report may be of considerable assistance.¹³

The Committee questioned NRE Tas in relation to Simon Cameron's concerns as follows:

Ms FINLAY - ... *Has there been a legal opinion about the regulations and their application subordinate to the act?*

Mr CRANE - *I'm happy to answer that question. The regulations are drafted by the Office of Parliamentary Counsel. They must consider their consistency with the head of power act; in this case, the Nature Conservation Act. They go through all of that process, that's part of their QA process in developing the regulations. I can say that we have proposed regulations previously, particularly in the animal welfare space, where they have said that is beyond the head of power of the parent act, and they cannot be*

¹³ Simon Cameron, op. cit., pp. 10-11.

included within the regulations. There is a rigorous legal process. It is outside our control. It's entirely independent in the sense of being prepared by professional lawyers on behalf of government to prepare the regulations to ensure they are consistent with the parent act.

Ms FINLAY - *If I could have a follow up question to that? The regulations as provided by OPC, have there been any amendments beyond what OPC provided with other inputs that may have caused the final regulations not to be drafted by OPC?*

Mr CRANE - *No, they have to be drafted by OPC. I won't take it on notice but I will say that I'm fairly sure that we're up to version 7 when we finalise them. It's an iterative process over years, in this case, to ensure both consistency with the law and also, we ensure that policy intent is conveyed through those regulations.¹⁴*

Findings

In relation to concerns raised by non-government witnesses regarding the Regulations. The Committee notes the following —

1. The partly protected status of European Fallow Deer contained within the Regulations is a Government policy position which sits outside the Committee's statutory remit.
2. Regulation 38 allows for the taking of European Fallow Deer for conservation purposes.
3. The relevant supporting documentation was received in relation to the Regulations as provided for under the *Subordinate Legislation Act 1992*. In particular, the Certificate - Advice under section 7(2) of the Subordinate Legislation Act from Office of Parliamentary Counsel was provided and is provided for at Appendix 3.

Examination of the Regulations

At its meeting on 8 September 2022, having considered the range of information received, the Committee resolved to pass as 'Examined' the — NATURE CONSERVATION (WILDLIFE) REGULATIONS 2021 (S.R. 2021, No. 93).



**HON TANIA RATTRAY MLC
CHAIR**

8 September 2022

¹⁴ Andrew Crane, op. cit., pp. 10-11.

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2 March 2022

Ms Julie Thompson
Secretary
Joint Standing Committee Subordinate Legislation
Parliament House
Hobart TAS 7000

Dear Ms Thompson,

Re: Nature Conservation (Wildlife) Regulations 2021 (The Regulations)

The purpose of this correspondence is to submit to the Joint Standing Committee Subordinate Legislation (The Committee) that the subject regulations fail to address issues that are in need of attention and create an increased level of uncertainty for those dependant on what they dictate.

A lot has happened since the previous Regulations review making it even more important that The Regulations are appropriate and workable.

In the farming sector the move to increased use of irrigation has resulted in a more conducive environment for wildlife making control an even more critical activity for maintaining farm productivity. Using the Government's conservative deer population increase rate of 5.4% pa the population has nearly doubled. Applying the 11% suggest by others including the Invasive Species Council, the increase could be threefold. There has been the Legislative Council's Inquiry which brought to the fore many of the issues. The Senate Inquiry into *The Impact of feral deer, pigs and goats* provided even more evidence for the need to act. There is a lot more open support for change especially from farmers and the private forestry industry. The study into the *Trial to use Wild Shot Fallow Deer Carcasses for Commercial Use* showed that the recreational hunting sector is not nearly as unified in its views on deer management as the Tasmanian Deer Advisory Council would have us believe.

I will not dwell on deer specifically except to say that removing the species' partly protected status would be well received widely.

In spite of the changes in the operating environment The Regulations now in force are contained in a longer and more complex document than previously. Not only do they fail to address the fundamental issue of the status of deer but they increase the level of uncertainty in terms of landowners being able to control wildlife on their land and how they can do this.

I have noted the importance of wildlife control to many farmers. The use of tools of trade such as spot lights and thermal sites and being able to shoot from vehicles relies on the discretion of the Secretary or his/her delegate (regulation 96). Surely it is time for farmers to be given some certainty in relation to wildlife control methods.

Regulation 34 (1) (a) (i) allows the holder of property protection permits to take protected and partly protected wildlife to protect crops and stock. The term "stock" is defined, "crops" is not.

The current wildlife administrators have advised me that there is no change in the intent but that is not what is written. It is easy to make the case that **crops** only refers to plants able to be harvested such as wheat or grapes and could be if this was the Secretary's wish. This would exclude places stock graze such as pastures, native grasslands bush runs or cropping land that is being rested. On my farm it would mean that I would only be able to cull permitted wildlife on about 1% of the land. My farm would become unviable within 12-18 months.

The solution is to provide a legal definition of what is meant by "crops" or to replace it with another term that is defined so that I and others may use property protection permits issued to us so that there is certainty regarding the use of the permit.

I am also concerned with the potential implications of regulation 34.(1)(b). It states:

a person other than the holder of the permit to perform an action under the authority of the permit, as specified on the permit –

(i) as if the person were the holder of the permit; and

(ii) while the person is under the direction or supervision of the holder of the permit.

This is complex. It suggests that a land owner is responsible for the actions of a shooter to whom a property protection permit has been issued including compliance with permit conditions. This was believed not to be the case previously provided the permit had been issued to the shooter correctly.

Clarity needs to be given to what is required for the effective transfer of responsibility from the landowner to the shooter such that, provided this is done, it becomes the shooter who assumes responsibility for observing the permit conditions. The relevance and potential impact of this may be difficult to comprehend unless you have been directly involved in an action by DPIPWE (now NRE) officers where it was deemed the landowner's agent was responsible for a shooter's failure to comply with a permit condition.

Perhaps it is indicative of the general vagueness in the wildlife control area. On the new Property Protection Permits issued under The Regulations it is stated:

Your legal obligations can be found under the relevant legislation at <https://www.thelaw.tas.gov.au>. Some of these key obligations include, but not limited to, the following: (there follows a list of conditions)

Is it reasonable for farmers, even if they happen to know what the relevant legislation is, should be burdened with the liability this approach takes?

Should you require further input from me to assist your review please do not hesitate to contact me.

Yours sincerely



Simon Cameron

Julie Thompson

From: Peter Jacobs <peterj@invasives.org.au>
Sent: Monday, 6 December 2021 10:04 AM
To: Julie Thompson
Cc: subleg
Subject: Draft Nature Conservation (Wildlife) Regulations 2021

**Ms Julie Thompson,
 Secretary of the Subordinate Legislation Committee,
 Parliament House,
 Hobart. 7000**

Dear Ms. Thompson,

Deer in Tasmania

The Invasive Species Council (ISC) is Australia's national environmental organisation dedicated to protecting the environment from harmful invasive species.

The ISC is extremely concerned about the rapidly growing population and spread of feral fallow deer in Tasmania which are now a serious threat to farmers, the natural environment, road safety and the economy. It is estimated that feral deer population is up to 100,000, costing the Tasmanian economy up to \$100 million a year through impacts such as crop and tree losses, road accidents and the need for farmers to erect high, deer-proof fences.

This has occurred while fallow deer have been classified as "partly protected" under *Tasmania's Wildlife (General and Deer farming) Regulations 2010* as a game species for hunters and Tasmania's policy of maintaining a quality deer herd for hunting. This has hindered efforts to control feral deer and seen the population explode.

Review of Wildlife Regulations; an opportunity for reform

As you are aware, the *Wildlife (General and Deer farming) Regulations 2010* are now under statutory review and the draft *Nature Conservation (Wildlife) Regulations 2021* and *Draft Nature Conservation (Deer Farming) Regulations 2021* were released for consultation in September.

The ISC submits that there is now an urgent need and opportunity for Tasmania to take a new, biosecurity-based approach to managing feral deer. This fundamentally requires removing the "partly protected" status of deer in the new *Nature Conservation (Wildlife) Regulations 2021*. Recreational hunters would play a role in controlling deer, but their interests in quality feral deer herds and trophies will no longer dominate at the expense of nature, farming and people. The ISC also supports stronger deer farming regulation. Escapes from deer farms have led to the expansion of the distribution of feral deer.

Our submission to the Wildlife Regulations review can be viewed here:

[ISC submission to Wildlife Regulations review](#)

I urge the Parliamentary Standing Committee on Subordinate Legislation to consider this opportunity for change as the *Tasmanian Nature Conservation (Wildlife) & (Deer Farming) Regulations 2021* come to parliament soon for ratification.

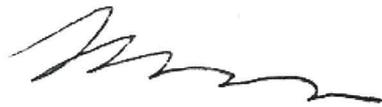
The ISC is so concerned about the impact of feral deer in Tasmania that in August 2021 we released a realistic strategy for managing feral deer in Tasmania based on sound biosecurity principles. This strategy was based on extensive consultation in the Tasmanian community, farmers and conservationists alike. This strategy that can be accessed here: [Feral Deer Control Strategy for Tasmania](#)

I hope that in years to come we will have stemmed the impact of feral deer on farmers, foresters, nature and community amenity. I fear that if feral deer continue to be partly protected for game under the Tasmanian Nature Conservation (Wildlife) Regulations 2021, this opportunity will be lost.

The loss of natural values in the Tasmanian Wilderness World Heritage Area and in National Parks puts Tasmania's World Heritage Listing and global reputation for wilderness at risk.

If you would like to discuss the Invasive Species Council's submission to Tasmania's Wildlife Regulations review please contact our Deer Project Officer, Peter Jacobs, on 0487 295198 or peterj@invasives.org.au

Yours faithfully,



Andrew Cox
CEO
Invasive Species Council



Andrew Cox, CEO

MOB 0438 588 040

WEB www.invasives.org.au

GET EMAIL UPDATES

EMAIL andrewcox@invasives.org.au

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Department of Natural Resources and Environment Tasmania

ENVIRONMENT BUSINESS UNIT

Hobart GPO Box 44, Hobart, Tasmania, 7001
 Launceston PO Box 46, Kings Meadows, Tasmania, 7249
 Devonport PO Box 303, Devonport, Tasmania, 7310

Ph 1300 368 550
 Web nre.tas.gov.au



15 February 2022

RECEIVED

21 FEB 2022

Secretary
 Parliamentary Standing Committee on Subordinate Legislation
 Parliament House
 HOBART TAS 7000

(SR 93)

**Nature Conservation (Wildlife) Regulations 2021 and
 Wildlife (Deer Farming) Regulations 2021**

The *Nature Conservation (Wildlife) Regulations 2021* (the Wildlife Regulations) and the *Wildlife (Deer Farming) Regulations 2021* (the Deer Farming Regulations) were notified in the Gazette on 30 November 2021.

I wish to offer my sincere apologies that the documents contained within this package were not forwarded to you within the required seven days of gazettal. I am advised that task was overlooked, due to some internal staff movements. These regulations are critical to the issuance of many public permits and the licensing of many economic and recreational activities however, and your support would be greatly appreciated in the circumstances.

Both sets of Regulations are made under the *Nature Conservation Act 2002*.

The Wildlife Regulations:

- enable licences and permits to be granted in relation to hunting, trading, taxidermy, display, possessing and other related uses of wildlife;
- classify certain wildlife as partly protected, protected, specially protected or restricted (special purpose) wildlife;
- prescribe certain animals as restricted animals and domestic stock; and
- repeal the Wildlife (General) Regulations 2010, the Wildlife (Exhibited Animals) Regulations 2010, and the Wildlife (General) Amendment (Browsing Animal Management) Regulations 2016.

The Deer Farming Regulations:

- prescribe the requirements for the operation of a deer farm in Tasmania; and
- repeal the Wildlife (Deer Farming) Regulations 2010.

The Regulations will be tabled in Parliament in the first half of 2022, a date yet to be determined. However, the latest date that they can be tabled in the Legislative Council is May 2022, and a month earlier in the House of Assembly.

The Deer Farming Regulations were remade unchanged and will expire on 1 July 2022 to allow for further consultation prior to full update (see attached fact sheet for background summary).

In accordance with Section 9 of the *Subordinate Legislation Act 1992* (SLA), I enclose the following certificates for both sets of Regulations:

- the advice given by the Chief Parliamentary Counsel under Section 7(2) of the SLA; and
- the certificate issued by the Secretary of the Department of Treasury and Finance in accordance with Section 5(1A) of the SLA; and
- the certificate from the responsible Minister under Section 4 of the SLA.

A fact sheet for the Regulations is also enclosed. If you have any queries concerning the Regulations, please contact Ben Goodsir, Acting General Manager (Environment) on ph. 0429 414 401.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'L. Wilson', with a long horizontal flourish extending to the right.

LOUISE WILSON
DEPUTY SECRETARY
ENVIRONMENT, HERITAGE AND LAND

**ADVICE UNDER SECTION 7(2) OF THE SUBORDINATE
LEGISLATION ACT 1992**

Nature Conservation (Wildlife) Regulations 2021

Under section 7(2) of the *Subordinate Legislation Act 1992*, I advise that this statutory rule –

- (a) appears to be within the powers conferred by the *Nature Conservation Act 2002*; and
- (b) does not appear, without clear and express authority being provided by that Act, to –
 - (i) have any retrospective effect; or
 - (ii) impose any tax, fee, fine, imprisonment or other penalty; or
 - (iii) sub-delegate powers delegated by the *Nature Conservation Act 2002*; and
- (c) appears to be within the general objectives of the *Nature Conservation Act 2002*; and
- (d) is expressed in as clear and unambiguous language as is reasonably possible.

Dated 28 October, 2021.



Robyn Webb
Chief Parliamentary Counsel

**ADVICE UNDER SECTION 7(2) OF THE SUBORDINATE
LEGISLATION ACT 1992*****Wildlife (Deer Farming) Regulations 2021***

Under section 7(2) of the *Subordinate Legislation Act 1992*, I advise that this statutory rule –

- (a) appears to be within the powers conferred by the *Nature Conservation Act 2002*; and
- (b) does not appear, without clear and express authority being provided by that Act, to –
 - (i) have any retrospective effect; or
 - (ii) impose any tax, fee, fine, imprisonment or other penalty; or
 - (iii) sub-delegate powers delegated by the *Nature Conservation Act 2002*; and
- (c) appears to be within the general objectives of the *Nature Conservation Act 2002*; and
- (d) is expressed in as clear and unambiguous language as is reasonably possible.

Dated 16 November, 2021.



Robyn Webb
Chief Parliamentary Counsel

Department of Treasury and Finance

The Treasury Building
21 Murray Street HOBART TAS 7000
GPO Box 147 HOBART TAS 7001 Australia
Telephone (03) 6166 4444 Facsimile (03) 6173 0219
Email secretary@treasury.tas.gov.au Web www.treasury.tas.gov.au

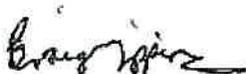


Minister for Primary Industries and Water

Nature Conservation (Wildlife) Regulations 2021

In accordance with section 5(1A) of the *Subordinate Legislation Act 1992* I have determined that no part of the *Nature Conservation (Wildlife) Regulations 2021* would impose a significant burden, cost or disadvantage on any sector of the public.

In making this determination I have considered the advice of the Department of Primary Industries, Parks, Water and Environment, the Department responsible for the Act under which the proposed subordinate legislation is to be made.



for Jonathon Root
Acting Secretary

4 November 2021

Department of Treasury and Finance

The Treasury Building
21 Murray Street HOBART TAS 7000
GPO Box 147 HOBART TAS 7001 Australia
Telephone (03) 6166 4444 Facsimile (03) 6173 0219
Email secretary@treasury.tas.gov.au Web www.treasury.tas.gov.au



Minister for Primary Industries and Water

Nature Conservation (Deer Farming) Regulations 2021

In accordance with section 5(1A) of the *Subordinate Legislation Act 1992* I have determined that no part of the *Nature Conservation (Deer Farming) Regulations 2021* would impose a significant burden, cost or disadvantage on any sector of the public.

In making this determination I have considered the advice of the Department of Primary Industries, Parks, Water and Environment, the Department responsible for the Act under which the proposed subordinate legislation is to be made.



for Jonathon Root
Acting Secretary

4 November 2021

CERTIFICATE OF COMPLIANCE

Her Excellency the Governor

Nature Conservation (Wildlife) Regulations 2021

I hereby certify that, in the preparation of the Nature Conservation (Wildlife) Regulations 2021, section 4 of the *Subordinate Legislation Act 2002* has been complied with as far as practicable.



Minister for Primary Industries and Water

10 November 2021

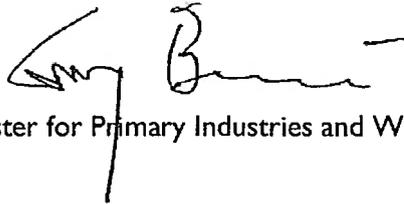


CERTIFICATE OF COMPLIANCE

Her Excellency the Governor

Wildlife (Deer Farming) Regulations 2021

I hereby certify that, in the preparation of the Wildlife (Deer Farming) Regulations 2021, section 4 of the *Subordinate Legislation Act 1992* has been complied with so far as is reasonably practicable.



Minister for Primary Industries and Water

22 November 2021

**NATURE CONSERVATION (WILDLIFE) REGULATIONS 2021
WILDLIFE (DEER FARMING) REGULATIONS 2021**

FACT SHEET

The *Subordinate Legislation Act 1992* stipulates that the regulations made under the *Nature Conservation Act 2002* be automatically repealed on the tenth anniversary of the date on which they were made, in this case 1 December 2020. This timeframe was extended by 12 months to 1 December 2021 by the *Covid-19 Disease Emergency (Miscellaneous Provisions) Act 2020*.

The remade *Nature Conservation (Wildlife) Regulations 2021*:

- enable licences and permits to be granted in relation to hunting, trading, taxidermy, display, possessing and other related uses of wildlife;
- classify certain wildlife as partly protected, protected, specially protected or restricted (special purpose) wildlife;
- prescribe certain animals as restricted animals and domestic stock; and
- repeal the *Wildlife (General) Regulations 2010*, the *Wildlife (Exhibited Animals) Regulations 2010*, and the *Wildlife (General) Amendment (Browsing Animal Management) Regulations 2016*.

The remade *Wildlife (Deer Farming) Regulations 2021*:

- prescribe the requirements for the operation of a deer farm in Tasmania; and
- are made consequentially on the repeal of the *Wildlife (Deer Farming) Regulations 2010*.

The Secretary of the Department of Treasury and Finance concluded that neither set of Regulations impose a significant burden, cost, or disadvantage on any sector of the public.

Extensive stakeholder and community consultation was undertaken in the reviewing and remaking of these regulations. The review process included consultation with industry experts, advocacy groups and the general public. 54 public submissions were received within the comment period (which can be viewed in full via <https://nre.tas.gov.au/wildlife-management/wildlife-regulations-review/wildlife-regulations-review-public-consultation>).

The *Wildlife (Deer Farming) Regulations 2021* were intended to be amended and renamed the *Nature Conservation (Deer Farming) Regulations 2021*¹. However, they were remade as such, without changes, for a 6-month period in order to provide for further consultation concurrent with the Fallow Deer Management Plan.

Copies of the certificates issued in relation to the Regulations are attached.

¹ The decision to remake the regulations, without any amendments was determined late in the process – hence the attached certificate from the Department of Treasury and Finance made under s5(1A) of the *Subordinate Legislation Act 1992* still refers to the name of the proposed new regulations that are out for consultation.



Joint Standing Committee Subordinate Legislation

23 March 2022

Hon Guy Barnett MP
Minister for Primary Industries and Water
Level 5, Salamanca Building
4 Salamanca Place
HOBART 7000

e: guy.barnett@parliament.tas.gov.au

Dear Minister,

NATURE CONSERVATION (WILDLIFE) REGULATIONS 2021 (S.R. 2021, No. 93)

The Joint Standing Committee on Subordinate Legislation is currently considering the above Regulations. At the Committee's meeting on 10 March 2022, the Committee resolved to commence an inquiry into the above Regulations.

Accordingly, the Committee has requested that a public hearing be arranged with yourself or Departmental Officers. It would be appreciated if this public hearing could take place at the Committee's meeting as follows:

Date: Monday, 11 April 2022
Time: 12.40 pm — 1.25 pm
Venue: Committee Room 2, Parliament House

It would be appreciated if you would please confirm the availability of yourself or Departmental Officers who are available to attend to the Secretary, Ms Julie Thompson on 0488 060 687 or via email at subleg@parliament.tas.gov.au

Yours sincerely,

TANIA RATTRAY MLC

CHAIR

w. 03 6212 2320 m. 0488 060 687 e. subleg@parliament.tas.gov.au

Julie Thompson

Subject: FW: FW: Joint Parliamentary Standing Committee on Subordinate Legislation
Attachments: Tas Midlands Biodiversity Hotspot - deer range - deer density.pdf; Risk Assessment fallow deer DPIPWE Dec13.pdf

-----Original Message-----

From: Simon Cameron <sarc@saralco.com>
Sent: Wednesday, 29 June 2022 11:15 PM
To: Julie Thompson <julie.thompson@parliament.tas.gov.au>
Subject: RE: FW: Joint Parliamentary Standing Committee on Subordinate Legislation

Dear Julie,

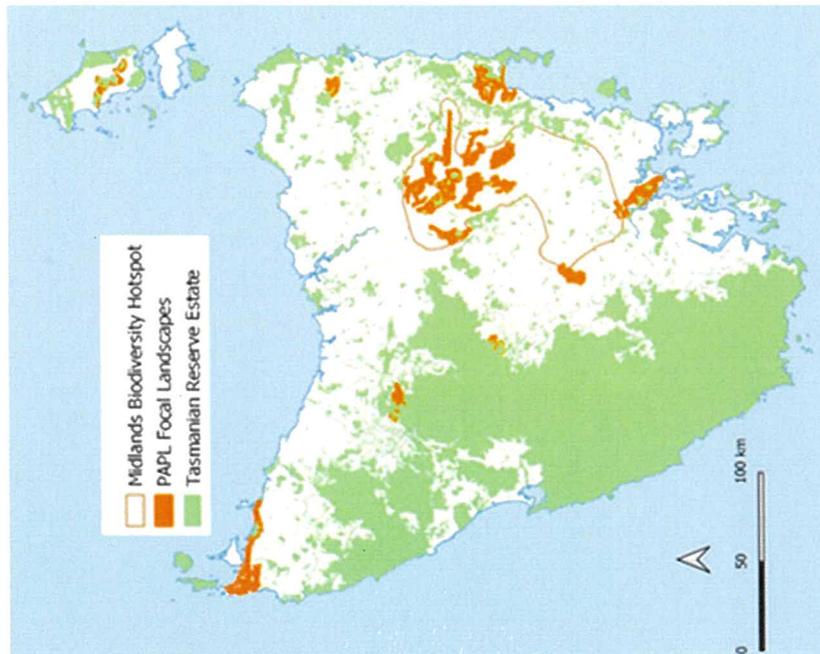
Please find attached a more manageable version of the maps I used at the hearing this morning.

I have also attached a copy of the DPIPWE/NRE Fallow Deer Risk Assessment.

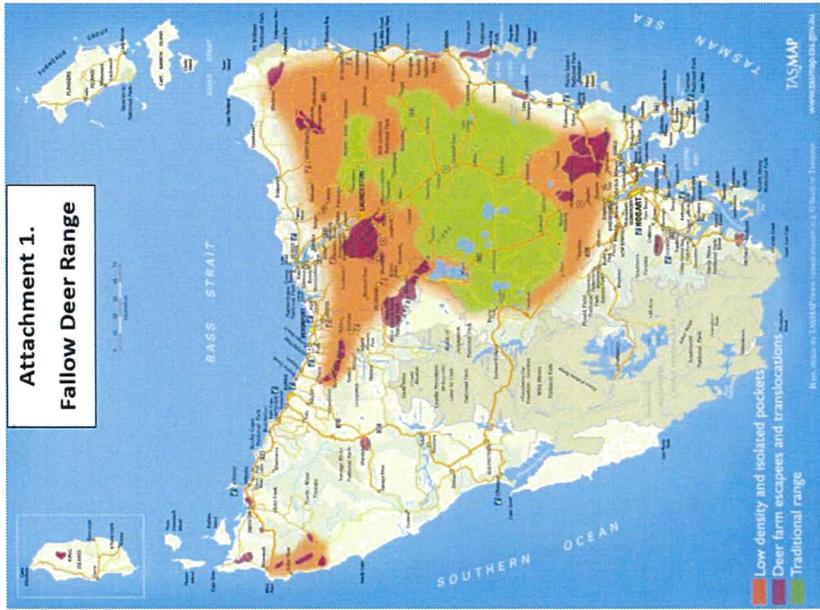
Please thank the Chair for the manner in which the hearing was conducted and the full opportunity each of the attendees was provided.

Kind regards

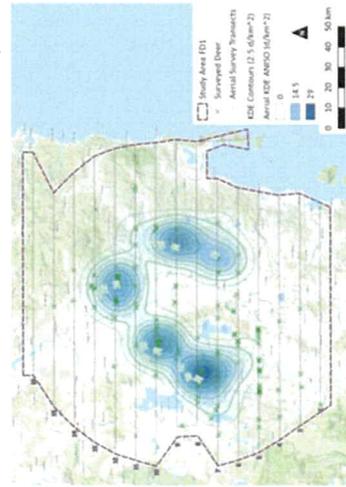
Simon Cameron



Map 1 showing the outline of the Tasmanian Midlands Biodiversity Hotspot



Map 2 Fallow Deer Range as per DPIPWE submission to Senate Committee Inquiry



Map 3 Tasmanian Aerial Deer Survey showing deer population densities (from Report of state-wide census of wild fallow deer in Tasmania project p18)

Risk Assessment: Fallow deer (*Dama dama*)

The following risk assessment determines the risk of fallow deer to Tasmania using the Bomford model (2008) and assigns threat categories and import classifications for the species.

This risk assessment concludes that the species is **not dangerous** to humans, has a **extreme** likelihood of establishment in Tasmania, and **extreme** consequences of establishment in Tasmania. However, the species is currently found in the wild in large numbers and is listed as a Partly Protected Species under the Nature Conservation Act, 2002.

Species:	Fallow deer (<i>Dama dama</i>)	
Date of Assessment:	December 2013	
Factor	Score	
A1. Risk posed from individual escapees (0-2)	0	Highly unlikely to cause injury.
A2. Risk to public safety from individual captive animals (0-2)	0	Unlikely to cause risk to public safety.
Stage A. Risk posed by individual animals (risk that a captive or escape animal would harm people)	Public Safety Risk Score = A1 + A2 =0	Public Safety Risk Ranking A ≥ 2, Highly Dangerous A = 1, Moderately Dangerous A = 0, Not Dangerous = Not Dangerous
B1. Climate match score (1-6)	5	Euclidian sum of 26 in the top five classes.
B2. Exotic population established overseas score (0-4)	4	Extensive populations established outside the species natural range.
B3. Overseas range size score (0-2)	1	Less than <20,000 km ²
B4. Taxonomic class score (0-1)	1	Mammal
Stage B. Likelihood of establishment (risk that a particular species will establish a wild population in Tasmania)	Establishment Risk Score = B1 + B2 + B3 + B4 =11	Establishment Risk Ranking B = 11-13, Extreme B = 9-10, High B = 6-8, Moderate B ≤ 5, Low = Extreme
C1. Taxonomic group (0-4)	4	Cervidae - family likely to cause agricultural damage.
C2. Overseas range size (0-2)	1	15.5 million km ²
C3. Diet and feeding (0-3)	3	Browsing and grazing mammal.

C4. Competition for native fauna for tree hollows (0-2)	0	Ground dwelling species
C5. Overseas environmental pest status (0-3)	3	Extensive introduced range feeding behaviour can and has significantly impacted on vegetation, and introduced competition for resources with native species.
C6. Climate match to areas with susceptible native species or communities (0-5)	5	Likely to compete with a number of browsing and grazing native mammals, impact on alpine flora communities by trampling and feeding.
C7. Overseas primary production (0-3)	2	Known to consume human feed crops and compete with livestock for feed.
C8. Climate match to susceptible primary production (0-5)	5	Potential for impact on wide range of agricultural crops/stock..
C9. Spread disease (1-2)	2	Unlikely however to introduce any new disease that domestic stock can currently provide a vector for.
C10. Harm to property (0-3)	1	Damage to agricultural fencing and potential vehicle damage if involved in a collision.
C11. Harm to people (0-5)	2	Injuries or harm or annoyance likely to be minor and few people exposed
Stage C. Consequence of Establishment (risk that an established population would cause harm)	Consequence Risk Score = sum of C1 to C11 = 28	Consequence Risk Ranking C > 19, Extreme C = 15-19, High C = 9-14, Moderate C < 9, Low = Extreme
ASSIGNED THREAT CATEGORY:	EXTREME SERIOUS MODERATE LOW EXTREME UNTIL PROVEN OTHERWISE	
PROPOSED IMPORT CLASSIFICATION:	PROHIBITED IMPORT RESTRICTED TO THOSE LICENCE HOLDERS APPROVED FOR KEEPING SERIOUS THREAT SPECIES IMPORT RESTRICTED TO THOSE LICENCE HOLDERS APPROVED FOR KEEPING MODERATE THREAT SPECIES IMPORT PERMITTED	

ASSIGNING SPECIES TO THREAT CATEGORIES

A: Danger posed by individual animals (risk a captive or escaped individual would harm people)	B: Likelihood of establishment (risk that a particular species will establish a wild population in Tasmania)	C: Consequence of establishment (risk that an established population would cause harm)	Threat category	Implications for any proposed import into Tasmania
Highly, Moderately or Not Dangerous	Extreme	Extreme	Extreme	Prohibited
Highly, Moderately or Not Dangerous	Extreme	High		
Highly, Moderately or Not Dangerous	Extreme	Moderate		
Highly, Moderately or Not Dangerous	Extreme	Low		
Highly, Moderately or Not Dangerous	High	Extreme		
Highly, Moderately or Not Dangerous	High	High		
Highly, Moderately or Not Dangerous	Moderate	Extreme		
Highly, Moderately or Not Dangerous	High	Moderate	Serious	Import restricted to those licence holders approved for keeping serious threat species
Highly, Moderately or Not Dangerous	High	Low		
Highly, Moderately or Not Dangerous	High	High		
Highly, Moderately or Not Dangerous	Moderate	Moderate		
Highly, Moderately or Not Dangerous	Moderate	Low		
Highly, Moderately or Not Dangerous	Moderate	Extreme		
Highly, Moderately or Not Dangerous	Low	High		
Highly, Moderately or Not Dangerous	Low	Moderate		
Highly, Moderately or Not Dangerous	Low	Low		
Moderately or Not Dangerous	Moderate	Moderate	Moderate	Import restricted to those licence holders approved for keeping moderate threat species
Moderately or Not Dangerous	Moderate	Low		
Moderately or Not Dangerous	Low	Moderate		
Moderately Dangerous	Low	Low		
Not Dangerous	Low	Low	Low	Import permitted
Unknown	Any value	Any value	Extreme until proven otherwise	Prohibited
Any Value	Unknown	Any value		
Any Value	Any value	Unknown		
Unassessed	Unassessed	Unassessed		

Total Commodity Damage Score See Section C8

Column 1	Column 2	Column 3	Column 4	Column 5
Industry	Commodity Value Index (CVI)	Potential Commodity Impact Score (PCIS, 0-3)	Climate Match to Commodity Score (CMCS, 0-5)	Commodity Damage Score (CDS columns 2 x 3 x 4)
Cattle (includes dairy and beef)	11	2	5	110
Timber (includes native and plantation forests)	10	2	5	100
Aquaculture	6	N/A		
Sheep (includes wool and meat)	5	2	5	50
Vegetables	5	2	5	50
Fruit (includes wine grapes)	5	2	5	50
Poultry (including eggs)	1.5	N/A		
Cereal grain (includes wheat, barley, sorghum etc)	1	3	5	15
Other crops and horticulture (includes nuts and flowers)	1	2	5	10
Pigs	1	0	5	0
Bees (includes honey, beeswax, and pollination)	0.5	N/A		
Oilseeds (includes canola, sunflower etc)	0.5	2	5	5
Grain legumes (includes soybeans)	0.3	2	5	3
Other livestock (includes goats and deer)	0.3	2	5	3
Total Commodity Damage Score (TCDS)				396

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THE PARLIAMENTARY JOINT STANDING COMMITTEE ON SUBORDINATE LEGISLATION MET IN THE LEGISLATIVE COUNCIL MEETING ROOM, HENTY HOUSE, LAUNCESTON ON 29 JUNE 2022.

INQUIRY INTO NATURE CONSERVATION (WILDLIFE) REGULATIONS 2021 (S.R. 2021, NO. 93)

Ms CHRISTINE MILNE, AMBASSADOR, INVASIVE SPECIES COUNCIL, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED. **Mr PETER JACOBS**, DEER PROJECT OFFICER (VICTORIA), INVASIVE SPECIES COUNCIL, WAS CALLED AND WAS EXAMINED.

CHAIR (Ms Rattray) - Welcome to the inquiry. We are waiting for Christine Milne to connect in and then I will do the introductions.

Mr JACOBS - Of course.

CHAIR - Thank you for joining us this morning. It's very good of you on this important issue. Good morning, Christine.

Ms MILNE - Good morning, I'm sorry, I had a bit of trouble with the software but it's fine. I apologise for being late.

CHAIR - Not at all. Now that we have you both on our screen I will officially welcome you both.

We have Peter Jacobs. Peter, your title is Deer Project Officer from Victoria, and I won't need you to take the declaration as you are a Victorian and that doesn't work for our parliament.

I would like to introduce you to members of the committee. We have Janie Finlay MP; myself, Tania Rattray as the Chair; we have Leonie Hiscutt MLC; we have Simon Wood MP; we also have Lara Alexander MP; and we have an apology from Ruth Forrest MLC, who's not able to be here. You've probably met the secretariat team. We have Julie Thompson and Ali Waddington. You've had some interchange with them. We also have James Reynolds from Hansard; he's the most important person here today. We do have a couple of people in the room as well. Thank you very much for making the time for this important issue.

As I first indicated, this is in regard to the current examination that the committee is undertaking for the Nature Conservation (Wildlife) Regulations. We have wild fallow deer in Tasmania and that particular issue. These have taken some time to come to the committee and were only tabled in the parliament last week. We do apologise for taking this time to get to the committee inquiry process. There was such a thing as a proroguing of parliament, quite unexpected and that put us off the rails for a little bit but now we're back on.

I am not sure who would like to start, whether it's you, Christine, or whether it's Peter but please make an opening statement and speak to your submission and then I will open it up for questions from the committee members. Thank you.

Mr JACOBS - I think I'm going to kick off, if that's okay? I will speak for a couple of minutes and then Christine will join in, if that's okay.

PUBLIC

CHAIR - Thank you.

Mr JACOBS - Firstly, thank you very much for the opportunity to present to the Standing Committee on the Nature Conservation (Wildlife) Regulations. We really appreciate the opportunity to talk that through. I'm with the Invasive Species Council and last year the Invasive Species Council made a detailed submission to the review of the Wildlife Regulations 2010.

In our statement today, we'd like to focus on the (indistinct) of sustaining the partly protected status of wild fallow deer in the 2021 Wildlife Regulations. There are a number of other issues but this is probably the key one that we have.

As you know, fallow deer were introduced in Tasmania in 1836 to provide a hunting resource and for many years that population remained very low, just a few thousand for decades, probably at about 7000 or 8000 prior to the 1980s. We saw that population really explode about the 1980s and it's now largely out of control and up to 100 000 fallow deer are thought to occur throughout Tasmania, growing at about 11.5 per cent a year, according to research from the University of Tasmania.

According to the University of Tasmania, it's feasible that by 2050 Tasmania will have one million feral deer covering 56 per cent of the state. Those fallow deer are having significant impact on farmers; on biodiversity in protected areas; on ecological restoration; plantations; urban amenities, such as parks and gardens; and worryingly, they are a growing threat to motorists. The annual cost of that impact is estimated to be around \$100 million and that came particularly from the Tasmanian Farmers and Graziers Federation.

This has been allowed to occur under a regulatory regime, with deer prescribed in the regulations as protected wildlife, to provide a game resource for hunters. We believe this has hindered control and led to significant obstacles preventing landowners and land managers from undertaking effective deer control, and the evidence is what you see now, in the growth of the numbers and the spread. We believe that there was a missed opportunity to resolve this in the Nature Conservation (Wildlife) Regulations 2021, where there was an opportunity to address that situation.

We believe the regulations hinder that effective control by requiring landowners to obtain property protection permits under section 34 to control deer on their land if they can demonstrate economic damage from deer to crops, stock and associated equipment. Interestingly, it doesn't include damage to biodiversity or ecological restoration. This also generates a game policy in Tasmania where landowners need to support sustainable hunting principles and develop property-based management plans with hunters, if they want to log a term permit to control deer on their own properties.

The Invasive Species Council believes that landowners and public land managers should not need a permit to control feral deer on their properties and indeed, should be encouraged to do so. Protecting feral deer under Nature Conservation (Wildlife) Regulations 2021 is, in our view, completely out of touch with the devastating impact that feral deer are having on Tasmanian community and the environment. Tasmania is the only state in Australia where feral deer are protected on private land. We recommend or we put to this inquiry that the Nature Conversation (Wildlife) Regulations should be amended to remove reference to deer as

PUBLIC

part of protected wildlife from section 3(1) of the Wildlife Regulations where they are described as such, and remove European Fallow Deer from Schedule 8, which is part of the protected wildlife. This then allows deer to be considered to be a pest species under other legislation. Should this not occur we would, at least, like to see under section 34, which talks about property protection permits adding the condition that a permit can be achieved to protect and conserve biodiversity backers, including conservation, revegetation and ecological restoration orders. The same addition needs to be made to regulation 49, to carry that through.

They are the fundamental issues that we have and would to see addressed in the Wildlife Regulations and I will pass to Christine to speak more about the impacts on biodiversity.

CHAIR - Thank you, Christine. Your title is ambassador, I believe.

Ms MILNE - Yes, I am the Ambassador for the Invasive Species Council nationally. I am working here with Peter, in Tasmania, particularly on feral deer. I could add feral cats as well; but today we are dealing with feral deer.

CHAIR - Yes. I would like to add those as well.

Ms MILNE - The issues that I want to highlight are the absolutely inherent problem of saying that you want to protect Tasmania from feral deer and at the same time you want to maintain a high-quality deer herd for hunting. The two do not go together. You cannot have both and that is what we have seen with this massive expansion of deer. The idea of a million deer in Tasmania by 2050 is quite terrifying.

I particularly want to talk about our World Heritage Area and National Parks. They are important for biodiversity, but they are also really important for Tasmania's national and international reputation. We already have deer in the World Heritage in the Walls of Jerusalem and people are horrified that they have come to a Wilderness World Heritage area and find an invasive animal right in there. They are trampling, they are browsing, their herd marks are in the cushion plants. They are browsing on cider gums, they are an absolute menace and there is a pathway for them to get from the Walls through to Cradle Mountain. We are faced with a very serious problem with the deer. They are also in Douglas Apsley, they are in Freycinet, they are at the Friendly Beaches, they are in Ben Lomond and they are even on the Tasman Peninsula. All of those National Parks have feral deer, to the point where, where you drive in at Freycinet, on the side of the road there is one of those Wildlife Hazard signs that has a deer on it. I find that so offensive because deer are not wildlife; they are not Tasmanian wildlife, they are a feral animal. It has got to the point where the same level of protection is being afforded them as the rest of our native animals.

The second point I want to make is on road safety and the peri-urban areas; not so much road safety but I think it's shocking that deer have been seen in Knocklofty, right in the Hobart suburbs. They are on the Kingston Golf Course; they are in Launceston; they are all the way between Danbury Drive into Legana and on.

Those peri-urban areas are really serious. There was a big stag right next to the West Tamar Highway not so long ago. People come along there at 100 kilometres and the last thing they're expecting is deer. It's only a matter of time before somebody is involved in a serious accident in Tasmania. Some councils, like Meander Valley, have started collecting data

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on the number of near misses and accidents and things from encounters with feral deer. Somebody recently wrote off their car on the St Marys Pass. They are, literally, everywhere.

It's ridiculous that we are in a situation where the minister continues to protect them and say that one of the objectives of his plan is to maintain a high-quality deer herd when, as Peter said, all around Australia they're recognised as a feral animal. The Senate inquiry that was held a couple of years ago concluded that wild deer should be treated as a pest throughout Australia and that all land managers and landowners should be enabled to do what they need to do to get rid of them.

That's why the critical thing here is to remove the partly-protected status. If we could get that out of the Wildlife Regulations, we can give people the ability to control them on their own land, we can give the parks managers the right to control them as best they see fit for land conservancy or controlling large areas now and give them the right to manage them as they see fit and not have to go and get these Property Protection Permits. It's really important and it's the key thing that inhibits this.

I know we're not dealing with it today, but the management plan that the Government has released that goes with these regulations has no targets in it about what their aim is for how many they want to eradicate, what they want to get the numbers down to, or how they're actually going to go about it. This is going to go nowhere to addressing this problem. If we don't get it under control now, we're going to lose; because once they are in the World Heritage Area more prolifically than they are now and in those peri-urban areas, and on Bruny Island, for example, it's very hard to get rid of them when you've got a relatively built-up population in those areas. You can't just go in and shoot in the same way that you would in more remote areas. It is critical that the Legislative Council takes this on and removes that partly protected status.

CHAIR - Thank you, Christine. This is a committee of the whole parliament, as you would appreciate. We have House of Assembly members on the committee, and we think that's a really good thing because then every level of the parliament gets an understanding.

Thank you both.

I am going to go around the table now and ask for questions. Leonie Hiscutt is the first member.

Mrs HISCUTT - Thank you, Christine, for the spots around the state where they are but I've also had reports that they're at Temma Farm down the west coast.

Moving on from that, Peter, I had a question for you. Being a Victorian, you have wild-caught deer that is processed for human consumption. Can you talk us through that please? What health rules or regulations or legislation is there to do that, because during the committee where we looked at -

CHAIR - Five years ago?

Mrs HISCUTT - five years ago, that was one of the inhibitors here in Tasmania.

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What do you do in Victoria that enables that wild-caught deer for human consumption to happen? Thank you.

Mr JACOBS - I'm not an expert on the regulations, but certainly, that is the case. Hunting is strictly regulated under PrimeSafe, which is the health authority that deals with the regulations around making sure that food is safe to eat and so PrimeSafe has very strong regulations around that. There are accredited companies that can apply for accreditation to receive wild-caught deer to then process both for pet food and for human consumption; and quite a lot of that is exported as well to the United States, as I understand. That certainly is the situation in Victoria and I must say, it's highly regulated.

It has, certainly in the country areas, a fair bit of support from farmers and landowners in terms of being able to have accredited harvesters who come in and work for the abattoirs, who come in and are accredited to take the deer. They pay a per cent value per kilogram back to the landowners for that sambar deer because they're a bigger deer and the farmers get a bit of an income from it.

It seems to be a reasonable knockdown process. Everyone seems quite happy with that, in that regard but, of course, it's not an answer on its own. It has to be part of an integrated program of other things but it does seem to be fitting in a place in Victoria, in terms of helping landowners with that knockdown effect of large numbers of deer but they do need a reasonable size population to keep that running sustainably, of course.

Mrs HISCUTT - Thank you very much for that, Peter.

CHAIR - Thanks, Christine. Do you have something to add?

Ms MILNE - Yes, I was going to say, the only problem with it is if it were to be introduced, it would have to be in the context of the overall aim of the strategy - to eradicate deer. The problem with establishing an industry for which there needs to be a sustainable supply is that then you introduce the idea that you have permanent herds or whatever, in order to feed that industry. That has been one of the issues that the Invasive Species Council has looked at. Do you manage an industry in this way or manage a feral animal in this way but set up an industry which then slows down the process of eradicating it?

Mrs HISCUTT - Yes, thank you for that comment. I was thinking in the back of my head, it would be good to piggyback off Victoria to get rid of our supply here and not build up a herd. That was where I was thinking.

Peter, do you know off the top of your head - and I know that I can find out myself if you don't - suppressors, are they legal for deer hunting in Victoria?

Mr JACOBS - They can be used by people with special accreditation, they have to apply to use suppressors. So, only by professional deer controllers, under very strict regulations.

CHAIR - Are there any questions around the table? I would like to explore a little bit further, if I might, you suggested no permits but does there need to be some way of knowing what sort of culling or what sort of numbers? That's how they say they're able to assess the actual deer, by having the crop protection permits. Without those permits, is there a risk of not

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really understanding or not having a real handle on what the issue is? Any comment on that, Peter?

Mr JACOBS - I think it can still be a situation that you can still collect that. In Victoria, for example, there aren't permits on numbers or removal, where there are still some regulations on public land that hunters need to abide by but the Game Management Authority does have a reporting mechanism. They report every year on the numbers of deer that are taken by hunters and that then can be added to the number of deer that are reported through commercial harvesting, as well as public land managers.

There is a mechanism in place that does collect information without actually needing permits and that's done through a phone survey that they do with authorised hunters. I think that can still happen without the need to have permits.

CHAIR - In your view, that's been a reasonable process? There would have had to have been more than that, you know? The numbers appear to be quite accurate from that process?

Mr JACOBS - The Game Management Authority is the government authority, so we can only assume that what they're reporting has some level of governance around it so that it's as accurate as I could get it. It's still based on feedback, which indeed, it's the same with crop protection permits, because there's no tagging anymore, it's still simply verbal reporting of the deer that are taken. It's probably no different in many ways to what happens in Tasmania.

CHAIR - Do you have a comment, Christine?

Ms MILNE - I was going to add, I went to the Bothwell meeting where a number of the shooters and hunters were there and farmers and so on. It was pretty clear, and they all conceded, that there's not a great deal of accuracy in the reporting as it currently appears. The other thing they pointed out was the numbers that are quoted as a result of the survey, they did it at the end of the season when they'd already shot whatever the maximum was and that wasn't recorded in the overall numbers. I think the numbers at the moment aren't that accurate anyway. I certainly think it is a good idea.

In fact, if we are going to have a target, which we should have, for a process of reducing the numbers in Tasmania then we do need a reporting mechanism of the numbers, as Peter said. It does not have to be permits.

The other point I would make is that the reason for getting a property protection permit, as Peter mentioned in his opening statement, does not include to protect biodiversity or replanting. Now, a lot of the Midlands graziers have spent large amounts of money together with Greening Australia and others to do revegetation projects. A third of that money is going to fencing and so on to try to keep the deer out of those revegetation projects. At the very least, in the property protection permits, there should be an additional reason for getting one beyond the three that are already listed. The fourth one should be to protect native vegetation and revegetation programs. That enables them to be able to take deer to stop them grazing their new plantings.

CHAIR - Thank you. Lara Alexander, thank you.

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Mrs ALEXANDER - Thank you, Chair. If I may, I probably have about three different questions that are interlinked, if that is all right. My first question is clarifying that we are only specifically looking at the fallow deer and that in Tasmania we do not have the roe and the red deer, is that correct?

Mr JACOBS - That is correct. Yes, Tasmania is in the enviable position, there is only one species, whereas, Victoria we have four to six wild species right throughout the state. That is a positive to start to get some control.

Mrs ALEXANDER - Okay. The other thing I was interested in is, I know that from having spent some time in New Zealand they also experienced some problems with the deer population. I was interested in establishing the report and the recommendation and the analysis, did you look at how New Zealand has handled this particular problem? It was quite big over there as well.

Mr JACOBS - I will take the lead on that quickly. I am no expert on the New Zealand process but my understanding is there is certainly a lot of aerial shooting of deer which has been occurring for a number of years. Helicopter aerial shooting was a really important part of being able to control deer, particularly in those remote and difficult areas. There was also a very strong industry focus as well in New Zealand, as I understand it. They did actually establish an industry where the meat was used and the animals were being removed with an industry partnership. There are certainly some lessons that can be learnt from New Zealand. They are very effective.

Mrs ALEXANDER - Yes, thank you Peter. That was my understanding as well, they did it very effectively. It became not a waste product but something that was quite nicely regulated and it had a positive impact on the environment, which is what we are trying to achieve. It had some form of control to eliminate any potential opportunity for animal cruelty.

My concern is to understand in allowing this opportunity for people to self-regulate, how do we ensure that at the same time we are not creating the opportunity for animal cruelty and wastage and leaving carcasses everywhere that would generate another problem? That is the aspect, why I was asking the question. I know that New Zealand handled it and it became a source of income and people did it in a more controlled way.

Mr JACOBS - Yes, indeed.

CHAIR - Any further questions?

Mrs ALEXANDER - No, it was more around - if there was culling, has there been consideration about which parts of the year that it would be allowed? We know that late autumn, early winter that is when the actual mating occurs and babies happen. Again, I have concerns about animal cruelty. If we do it we need to do it humanely. It is a problem that we have created but let us treat it reasonably. That was more about those details.

CHAIR - Thank you, any questions?

Mr JACOBS - We certainly agree. The Invasive Species Council is very strong on humane destruction of feral animals and there are a lot of protocols and procedures to make sure that can happen, and even in the fawning season that can still be done humanely.

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Professional hunters are trained that if they shoot a doe with young, they will find them. That's very much a targeted professional program. What we're putting forward, it isn't an anti-hunting position, but it does reinforce the need for professional controllers where you need them in those sorts of situations and, indeed, aerial shooting. These things need to be brought into this equation, not just relying on recreational hunters because we've seen the spread and growth of the population that has occurred under this recreational hunting regime which is clearly not doing it for Tasmania.

Ms MILNE - I would like to add that with our national parks and World Heritage Areas we would expect that there would be professional hunters brought in to eradicate. The problem with the suggestion that you could use recreational shooters in national parks and the like is that unfortunate thing where recreational shooters want to leave behind the best animals so that they breed up for the next year. If you want to be efficient at getting deer out of World Heritage Areas and national parks quickly and efficiently, then professional shooters are the way to do it with whatever technology is regarded as the safest and the most humane in terms of the animal cruelty questions that have just been raised.

Mrs ALEXANDER - Hence my question around the professional shooters and what happens with your product so it's not wasted.

CHAIR - Ms Finlay.

Ms FINLAY - Thank you for your presentation. It is clear on your intention and what you're hoping an outcome would be.

Following on from a previous member's question about the opportunity for processing for human consumption, I am interested in your thoughts on the crossover between eradication and the creation of a market, and how we do that so that we then don't create another need?

I'm also interested in your thoughts on the cross-over into the deer farms and whether there are concerns or support for that as a separate type of activity?

Mr JACOBS - Our position on deer farms is that deer farms need to be highly regulated. Some of the suggestions that were in the review we would certainly welcome in terms of prudent fencing and surveillance and monitoring, because obviously some of the populations of deer in Tasmania have been a result of either deliberate or accidental deer farm releases which have occurred throughout the state.

The position we have on this is that there shouldn't be deer farms; but any new deer farms should only be allowed in the traditional deer area around the Midlands, so that they are within an area where deer should be tightly contained. The plan that we put together showed a series of zones which included containment zones around the Midlands, which recognises that traditional deer area and around that area. If they are any deer farms, they should only be in there. They certainly shouldn't be allowed to establish in areas outside that area where eradication and driving the population down is absolutely critical. That's our position in terms of deer farms and our solution.

Ms MILNE - I would also add that the penalties have been really weak for people who've gone broke and just opened the gates and let the deer go. That's what happened. That's why there's such a big population on the West Tamar - that's a result of opening the gates and letting

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them go. The same thing at Temma Farm - the farm that was mentioned earlier. People haven't suffered the penalty. The same on Bruny Island - they know exactly how those deer got on to Bruny Island. There was a guy who was taking them by a barge down to his own island. The stags leapt off and the nine does swam across and followed them and they went straight on to the island. The government could have then immediately enforced penalties and forced them to be removed. They didn't, and that's why we now have a substantial population on Bruny Island.

The deer farms should be restricted to the government's zone 1, which is the traditional area, and the penalties should be significantly increased for anyone who just opens the gate and lets them go because that is the really big driver - particularly, of the peri-urban problem we now have as a result of deer farm deliberate release.

CHAIR - Thank you very much. We have used a little bit more of our allocated time but that often happens.

I should have done this at the start; but Christine, you will be well aware that in public hearings you are afforded parliamentary privilege, but outside of this forum then that doesn't apply. But I feel sure that anything you have provided to us today is certainly for public information. It will be put on our website, once it's been approved by the committee for general information for those who are interested. On behalf of the committee, we sincerely thank you both for your time and your knowledge, interest and expertise in this area is well noted. Thank you very much.

Mr JACOBS - Thank you for hearing us. I appreciate it.

Ms MILNE - On the New Zealand issue and the establishing of the industry there, if we can get some more information, can we provide it as a late submission; or is that not necessary?

CHAIR - That would be very welcome, thank you, Christine. I don't think we've got an opportunity to whip off to New Zealand to see what's going on. If that is something that you're able to do, we would certainly be happy to accept that as additional information.

THE WITNESSES WITHDREW

Mr SIMON CAMERON WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Welcome to the table, Simon Cameron. I will introduce the members - Janie Finlay MP; Tania Rattray, Chair; Leonie Hiscutt MLC; Simon Wood MP; Lara Alexander MP; and we have an apology from Ruth Forrest MLC who couldn't be with us today.

Simon, you have been to the committee process before and you're well aware that you will need to take the statutory declaration and you understand the parameters around the committee, that you are afforded parliamentary privilege here but anything you say outside doesn't have that privilege. If you would like to have evidence taken in committee, then please request that and the committee will consider that. We'll ask you to provide the statutory declaration and then provide an opening statement to the committee. Thank you.

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We do have your submission. Please speak to that.

Mr CAMERON - If I can lead off with a slight variation. I am a farmer in the northern Midlands and as part of the role, I am custodian of the most significant remaining instance of Tasmanian lowland native grasslands, which are listed under the EPBCA as critically endangered. I need to start off by thanking you, Chair, and the committee for the opportunity to be here today. It's possibly the most important few minutes for me in the 15 years that I've been working for change in the way fallow deer are controlled in Tasmania.

Since the committee considered the previous regulations back in 2011, the acknowledged deer population has at least trebled. We have also had a risk assessment from what was then DPIPWE scientists stating that there will be extreme consequences for agriculture and the environment if the species becomes established. This is now well and truly the case in Tasmania. We heard from Peter Jacobs and he covered comprehensively a lot of the impacts of deer, so I will leave that alone.

My letter to the committee secretary expressing concerns regarding the Nature Conservation (Wildlife) Regulations 2021 was written and sent before I had the opportunity to review the final version of the management plan for wild fallow deer. The draft had conveyed the message that the problems created by deer needed to be addressed and there were provisions for commencing this. The final version was very different for those where the problem is worst. It was clear that direct representations from leading farmers, the state's largest private forestry organisation, peak primary industry bodies and others were just disregarded. In relation to the plan as it is currently written, my estimate was that in the main deer range, the opportunity for culling deer as measured by permit culling days was to be cut by 40 per cent at a time where the annual population increase, at least according to people like Peter Jacobs, is 11 per cent a year.

The plan makes farmers in the area of the main deer zone second class landowners, effectively devaluing their land. For an operation like mine, where I have built revenue generation from natural assets to 30 per cent of total income, it was a body blow that if allowed to continue will destroy that source of income for me. Some of you have visited my farm and I remember that day well. You have seen my commitment to natural asset management.

CHAIR - It is an amazing property, Simon.

Mr CAMERON - There are others like me. Deer control has become much bigger than just being a problem for some farmers who find themselves thwarted by government-enforced privilege for a very small percentage of the population. It is an issue and a growing cost and a risk for all Tasmanians and this is the way it must be considered and dealt with. How can a species that has, as per the DPIPWE risk assessment, which would now prohibit the import of that species into Tasmania, be protected under the Nature Conversation Act? A solution at law needs to be found to sort this out.

Legal advice suggests that the new regulations, in fact, present such an opportunity. I would like to quickly take you through that. It is the appropriateness of the proposed regulations that needs to be considered. They do not pass muster and the fact that the secretary is compromised in administering them as they do not have regard for the Nature Conservation Act's planning system objectives. Section 76 of the NCA provides for the making of regulations with regulations being within the terms of the act.

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As the Subordinate Legislation Committee Act says, these regulations must be consistent with, and advance the objects of the act. The relevant objects are described in section 5: in exercising any powers or performing any functions under this act - that is the NCA - a person is to have regard to the resource management and planning system objectives.

These objectives are also found in the NCA itself. The objectives of resource management and planning system of Tasmania are: to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity and secondly, to provide for the fair, orderly and sustainable use and development of air, land and water.

The question then is, how can the maintenance of fallow deer, identified by DPIPWE scientists as having extreme consequences for agriculture and the environment, promote sustainable development of resources and maintain ecological processes? It doesn't. And arguably, it achieves the opposite. How does it lead to the fair, orderly and sustainable use of land? It doesn't.

Clause 2 of the schedule, still with the NCA, notes that sustainable development has a particular meaning and I doubt very much that that maintaining of fallow deer in Tasmania could be described as sustainable development as per the act itself.

If we look at the regulations, proposed regulation 48 really crystallises the issue. It sets out the secretary's ability to refuse a property protection permit and to grant a hunting licence. This is prone to facilitate the ongoing existence and prevalence of fallow deer and consequent damage to farming interests and to reserved lands which of course, include all our national parks.

Given that aspects of the proposed regulations are inconsistent with the objects of the Nature Conservation Act, I ask that to fulfil its duties the committee does two things. Firstly, it should prepare a report of the impact of fallow deer and outline why the regulations are inappropriate in their present form, i.e. that they are inconsistent with the NCA planning system objective. The DPIPWE report may be of considerable assistance.

A similar more extensive assessment was conducted for Australia as a whole. It and the Tasmania-specific assessment have very similar findings, extreme consequences of establishment.

Someone like Dr Neil Davidson would be of great assistance with evidence from his landmark Midlands project. So would Greening Australia, who in evidence to the Senate inquiry made the point that Tasmanian landowners are at a real disadvantage on carbon farming initiatives due to the cost impact of dealing with deer.

This is where the map comes out and I'm sorry, I should have copies for you each.

CHAIR - No, that's all right.

Mr CAMERON - What I've sought to put on this piece of paper are three versions. One is the Midlands biodiversity hotspot, which is an area that contains, I think, 180 threatened species at state level and something like 40 or 50 listed at the national level.

PUBLIC

CHAIR - We can see.

Mr CAMERON - There is the Midlands biodiversity hotspot.

Ms FINLAY - You're talking vegetation?

Mr CAMERON - I'm talking vegetation. It's the only such hotspot in Tasmania. There are 15 in Australia, it's the only one in Tasmania. The next map - and you can see how these coincide across the three maps.

The next map is the main deer range and the third map is the population density survey that was done. You can see that a majority of where the heavy populations overlap with the biodiversity hotspot. Christine spoke about it much better than I did but I think this is - just seeing how these areas overlap is really important to understanding the nature of the issue that we have. You don't know what you've got until it's gone.

My request to the committee is firstly, to highlight in a report how the regulations are not in line with the act itself and then the second that logically follows from that is, I ask that you recommend that European fallow deer be removed from the Nature Conservation (Wildlife) Regulations 2021. Such a change is going to have a range of obvious benefits. Peter talked about the damage done by deer to the economy, agriculture and it's going to move on to tourism as well.

It will allow for all landowners to more effectively protect biodiversity and in areas like the Midlands conservation hotspot, it's mainly private land that we're talking about but there are other natural assets in the state that need protection as well.

It will improve the personal life of landowners and something that doesn't really get out there too much is the actual impact on the people who have to deal with this on a day-to-day basis. My dwelling is in the middle of my farm and I see the impact of deer every day and it's very wearing.

The removal of deer from the regulations will reduce the bureaucratic need for administering deer and there are cost savings in that. It will reduce the biosecurity threat to Tasmania if we can reduce the population over time and this one's a bit difficult, but it probably needs to be said, it will halt the apparent growing trend towards controlling deer through illegal shooting. People have to protect their enterprises and there are times when they just get on with it and the logical extension of that is the control and management of deer is lost anyway.

The removal of deer from the regulations is not going to bring an end to recreational hunting. Indeed, the activity may be better off without the encumbrance. In many places - and my own farm included - when we have the opportunity to cull deer, we use that to the maximum and we cull the maximum. It can no longer be described as a recreational activity.

If I can just conclude by saying, when I started I suggested that the acknowledged deer population has trebled since this committee's previous look at the regulations. It is now so much a bigger problem than it was then. What do we have to look forward to if we don't act? A further doubling of the population in the next few years, and all the escalating, associated economic, environmental and social costs?

PUBLIC

The negative impact of deer is not going to go away but we need to get on with reversing that trend.

I sincerely ask that you act to get on this road so that we're not leaving this self-made burden to the next generation to fix. Thank you.

CHAIR - Thank you very much, Simon.

We understand your passion and the work that you've done to address the issue particularly. I have been fortunate to visit your property and see some of those very unique species out there and those grasslands. Thank you. I will open it up.

Mrs HISCUTT - Thank you for coming in. There were a couple of things in your submission that I wanted to ask you about. You said at one stage that submissions made by farmers, foresters and the like were totally disregarded for a few enforced privilege. I am reading this letter you sent to us on the 2 March and at the end of your third paragraph you mentioned why you think that is. Are you prepared to let other members who don't know why you think that your submissions were disregarded?

Mr CAMERON - I can only surmise that other people were more effective in putting a viewpoint on deer management in the state.

Mrs HISCUTT - Was that point of view a majority of submitters do you think, or not?

Mr CAMERON - I really don't know. I didn't evaluate individual submissions but let's call a spade a spade. The final submission by the Tasmanian Deer Advisory Committee (TDAC) was really quite aggressive and I don't know the process that the minister followed but I believe that the report was made to - or there was a meeting of the Deer Advisory Council and they were told what was going to happen, even before the closing date for submissions.

Mrs HISCUTT - Okay. So, you're not sure.

Mr CAMERON - I'm not really sure.

Mrs HISCUTT - Your other comment that you made that I would like to explore, you said that the Subordinate Legislation Committee should do a report. I would have thought there were enough reports out there for us to make a decision on or make a recommendation. Why do you think we should have another report?

Mr CAMERON - I think the guts of the report is to illustrate to the parliament how the regulations are inconsistent with the Nature Conservation Act itself.

Mrs HISCUTT - You don't think that that has been done before in other reports?

Mr CAMERON - I'm sorry, I haven't seen anything that puts forward a legal argument for not including the protection of fallow deer in -

Mrs HISCUTT - Yes. I can see where you're coming from now. It's just that I've seen reports and reports and reports.

PUBLIC

Mr CAMERON - Yes. I take that point but I think before recommending the removal of -

Mrs HISCUTT - A look at the legalities, is where you're going.

Mr CAMERON - Yes. I did mean to say that if I and others can assist, your able secretary has my contact details and I'd be most -

CHAIR - Your point about that is that you believe that the obligations under the Subordinate Legislation Act are at odds with what has been put forward in the Nature Conservation Act about partly protected species?

Mr CAMERON - Your obligation as a committee - and that's where that act comes in - is to look and make sure that the regulations are consistent and further the objects of the Nature Conservation Act in this instance.

Mrs HISCUTT - That's clear. That's what I wanted to know.

CHAIR - You articulated that well.

Mr CAMERON - I'm very happy to provide - it's not that difficult, quite honestly, but you do need it in front of you because it goes through several places -

CHAIR - You actually indicated that in your contribution. I wrote down those sections and clauses to follow up on, so thank you. Any further questions, members?

Ms FINLAY - I think the information presented is clear and has been consistent through your submissions. I haven't been around for previous committees and hearings. I think the member was asking this before, but I'm interested in what you think occurred between the draft and the delivery of the final plan that caused the final plan to be so different to the intention of the draft?

Mr CAMERON - I'm sorry. I think that that's - I'm not privy to that.

CHAIR - You'd have to get into somebody's mind.

Ms FINLAY - No, okay. Fair enough.

Mr CAMERON - I mean, one can speculate but that's all it is and I think if the final version has done anything, it's really put a few people between a rock and a hard place. Their backs are to the wall. We've got to find a better solution and we need a solution for the whole of Tasmania. The plan just focuses a little bit. This is an issue for all Tasmanians now.

CHAIR - We heard the places that have been affected now.

Mr CAMERON - And we have to take into account not just a small group, 2 per cent maybe, of the population. We need to take into account 98 per cent of the population.

Mrs HISCUTT - Understood.

PUBLIC

Ms FINLAY - A follow-up question. As you would be aware and I'm only learning, the processes for this committee are restrained by time, in terms of how we can or when we can make recommendations.

CHAIR - We do have time.

Ms FINLAY - We do have time. Sorry, it wasn't a question of whether we had time but we are constrained by time. You mentioned with this report that it be a legal opinion. I suppose while Mr Cameron is here and through you, Chair, do we have access to the expertise to create that report within the time required?

CHAIR - It would be something that the committee will consider when we go into our deliberations on this. We very much appreciate that suggestion and certainly, that matter that has been raised, I think has some merit and I believe it should be examined; but the committee will need to discuss that and make some assessments. Thank you.

As I said at the beginning of our hearing time, this has privilege but once you step outside, there may well be somebody who would like to speak to you about your position and that privilege isn't afforded. I wanted to make you aware of that and we will publish this, once the committee has deliberated and agreed to have it put on the committee's website. Again, on behalf of the committee, we thank you very much for your time. Is it possible to have a copy of that?

Mr CAMERON - I can leave this; or I can email you an A4 one. I'm sorry, I didn't have a chance to get copies made.

CHAIR - If you would be good enough to email to our secretary, Julie Thompson or Ali Waddington, that would be very much appreciated. Again, on behalf of the committee, thank you.

Mr CAMERON - Thank you.

THE WITNESS WITHDREW

Mr ROBIN THOMPSON, MANAGER, GAME SERVICES TASMANIA; **Mr GREG HOCKING**, PRINCIPAL WILDLIFE MANAGEMENT OFFICER; **Mr ANDREW CRANE**, FORMER MANAGER OF THE POLICY, ADVICE AND REGULATORY SERVICES BRANCH, DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENT TASMANIA; AND **Ms REBECCA PINTO**, ACTING DIRECTOR, POLICY, PROJECTS AND REGULATORY SERVICES, ENVIRONMENT, HERITAGE AND LAND WERE CALLED, MADE THE STATUTORY DECLARATION, AND WERE EXAMINED.

CHAIR - Welcome to the table. We have Robin Thompson, Greg Hocking, Andrew Crane and we also have by video link or heading that way, Rebecca Pinto. Robin, your title is the Manager of Game Services Tasmania? Greg is the Principal Wildlife Management Officer and Andrew, former Manager of Policy, Advice and Regulatory Services. Former.

Mr CRANE - I'm enjoying a 12-month secondment to the Department of State Growth.

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CHAIR - Okay. Right. Thank you. And Rebecca, who is joining us. Thank you, Rebecca, for joining us, is the Assistant Director or Acting Director?

Ms PINTO - I'm Acting Director at the moment. Thank you.

CHAIR - Thank you. Policy, Projects and Regulatory Services, Environment, Heritage and Land. That's a handle and a half. Thank you all for being here. As you know, the committee is taking sworn evidence and we will be asking you all to make the statutory declaration. You're obviously aware of the Parliamentary Standing Committee on Subordinate Legislation and this evidence is protected by parliamentary privilege but outside of the hearing, it's not. If there is anything that you feel that the committee should hear that you don't want on the public record, please request that and we will make a consideration around that request. *Hansard* will be put on the public record after the committee has deliberated in regard to that.

Before I invite someone to make an opening statement I have, as part of the committee, Janie Finlay, MP; myself, Tania Rattray; Leonie Hiscutt, MLC; Simon Wood, MP; Lara Alexander, MP; and an apology from Ruth Forrest, MLC.

Thank you, Andrew.

Mr CRANE - Thank you, Chair. I make the observation that the regulations that we're considering today are much broader than just the deer management regulations.

CHAIR - Yes; they have a focus, though.

Mr CRANE - They certainly do, and I wish to ask, Chair, whether you wanted to hear more about the other changes that have been made in the regulations or whether you would like me to concentrate on deer management?

CHAIR - Would it be appropriate if you focus on the deer management matter first and then at the end we will take your overview on the rest of it?

We acknowledge that it is more but it appears to be the focus of this inquiry.

Mr CRANE - Thank you very much, Chair. In terms of the process that has been gone through and in some of the evidence that has been given today and some of the discussion, I make the observation that there is a distinction between policy, in terms of the deer management side of things, and the regulations themselves.

Clearly, one of the fundamental issues that's been raised today is of the capacity of the regulations to permit the taking of wild fallow deer for the purposes of conservation. There is that capacity within the regulations. It does exist. It does not sit within the property protection regulation but it sits within another regulation - regulation 38 within the regulations as they exist. A permit can be granted for the taking of wild fallow deer for the purposes of conservation; that includes the protection of high-value grasslands, native vegetation replanting, anything that may go along those lines. I wanted to make that point, that the regulations as they stand, and have been developed, do contain that provision. It's just that it does not sit within the Property Protection Permit provisions; but the provisions themselves do exist and can be utilised.

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How they're utilised is a policy matter but I can speak to regulations in terms of what's required of a proponent or an applicant, should they wish to receive a permit for that purpose. I thought that was important to make that clear.

In terms of the status of wild fallow deer as partly-protected wildlife, again, I will make the distinction between policy and regulations. In the regulation, they retain that status as the regulations currently stand. It has been the Government's policy - clearly articulated in 2018 and reiterated in 2021 - to support a recreational deer hunting enterprise in Tasmania - an activity for recreational deer hunting. That is a policy position which is reinforced by the status of the wild fallow deer as partly-protected wildlife.

CHAIR - We understand we don't ask department people about policy; thank you.

Mr CRANE - I'd be happy to take questions.

CHAIR - Is there any other information that is supplementary before we open, Greg, Robin?

Mr THOMPSON - I think it's really important to recognise that there's a whole group of stakeholders who have a stake in deer management. Obviously, agriculture is one; forestry; conservation; and of course; the broader community. In managing deer, it's a juggling act - as you would appreciate - to try to manage them in a way that each of those stakeholders gets maybe something of what they want and, of course, rarely does anyone get all of what they want.

Mr CRANE - I make the observation that, through the community consultation process for the Tasmanian Wildlife Regulations Review, we received 54 submissions. I would say that those submissions are broadly similar in terms of their scope to those received by the Legislative Council inquiry in 2017, including many of the same stakeholders.

CHAIR - Was that when it was? Thank you for reminding us. Gosh, time flies; but we said four or five years.

Mr CRANE - In terms of proportion, it's a little difficult to say. We received a number of submissions that were campaign-style submissions, which contained virtually the same wording from a number of different people. The majority, or all of those, that were of a campaign-style called for exactly the same thing - that is, the change in status of wild fallow deer. They use broadly similar words throughout the basis of the submission. Many of them were very short. We also received some substantive submissions both for and against that change from the various stakeholder groups - community groups and stakeholder peak bodies. We also received one government department submission which was from Tasmania Police.

CHAIR - Who pick up the pieces when somebody has hit a wild fallow deer on the road.

Mr CRANE - They also expressed strong support for the regulations as they currently stand in relation to the use of certain devices, in particular, the suppressors. Hence, there is little change in regard to that use, in line with the advice that we have received from Tasmania Police and their request to retain those provisions. Notwithstanding that, the regulations as they stand do permit, with approval, in certain circumstances, the use of those devices.

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CHAIR - Not easy to get those, I believe. We have one on my desk at the moment; but that is another story for another day. Greg, in your role as the Principal Wildlife Management Officer, do you want to add something as an overview before we open it up?

Mr HOCKING - Yes, certainly. From my perspective, which is, I suppose, below the broader heading, the regulations certainly allow a lot of flexibility, via the Secretary and delegates under the secretary, to take certain actions and as also already flagged -

CHAIR - Such as regulation 38, about the permit for purpose of conservation.

Mr HOCKING - That is right. Yes, that; and also the area of responsibility which is primarily the property protection permits and the flexibility that is allowed there in terms of allowing certain things like use of detection devices, as the regulations refer to now. That includes spotlights, thermal scopes and night vision equipment, which is generally banned, except it is allowed under all permits that permit the taking of nocturnal wildlife. It is accepted as a legitimate means of taking those animals more efficiently for the benefit of property protection.

I also note that these regulations allow property protection to be a little bit wider now, in that they allow protection of infrastructure. Previously, the old regulations spoke about just preventing damage or injury to plants or stock. The new regulations have expanded that to include infrastructure like fencing or sheds or whatever. There are some innovations there that I think will please landholders.

Mr THOMPSON - It is probably also important to note that even with the regulations it is possible to take at least one class of deer, 365 days of the year. That has two consequences. One consequence is dead deer, so it reduces the population. The second consequence is population dispersal. That can happen, even with these regulations, for the whole year. When we have been given permits, certainly in the last four or five years, the take limits have not really been applied. People have the number of permits to take the number of animals that they have requested.

CHAIR - They do not ask for any more?

Mr THOMPSON - Yes, they do sometimes. I don't ever think that there has been, in that time period, a permit application that's been rejected because of taking too many.

CHAIR - Thank you. Rebecca, anything that you would like to add in the overview, just on this focus on deer management at this point in time?

Ms PINTO - I think Andrew, Robin and Greg have given you a bit of insight into the reasons and the benefits that have come from these remaking of the regulations. I will leave it for now and will be happy to be [inaudible]

CHAIR - To be ready for questions, right.

Mr HOCKING - One further point on from what Robin said there in relation to limits on taking deer. One of the major innovations, I think it was in 2020, was made to the regulations, was to remove tagging and take limits on antlerless deer, meaning principally female deer. From a biologist's perspective, if you're going to put a lid on a population it is

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much more effective with a species like deer to hit - to take, kill, female deer than it is male deer.

CHAIR - I'm pleased that only applies to deer, Greg.

Mr HOCKING - There's no limit on that.

CHAIR - Given there are a few of us around here but anyway. Good. Thank you. In regard to the numbers, we've been provided with some evidence today that it's trebled since 2011, the numbers, and then possibly if something else isn't looked at, at this point in time - doubled - do you have a view about that? Are you happy to share something, Robin, in regard to those expected outcomes or increased numbers?

Mr THOMPSON - Maybe I'll just start with a little introduction. Greg is our numbers man really. People would love us to come up and say that there are X number of deer in the state or X number of wallabies. That's mission impossible. You can't do a census, like we might do with us a couple of years ago. It's all about estimations and perhaps looking at trends.

Yes, we did do the aerial survey, which was one of the recommendations from the previous visitation to this subject area and in that area, all we can say is that there were about 56 000 deer as the estimated population in the survey area. It contained nothing about the number of deer that were in the whole state and where they are. It's really important to make sure that when we quote numbers and whatever, that we dig a little bit deeper to make sure that we are understanding how those numbers were derived.

The second one is a trend methodology, which is Greg's baby really. Greg started it 30-odd years ago, which is looking at trends of deer but not just deer, it's a whole heap of wildlife. The other two things that we are doing to get a clearer picture of are geographic distribution and population estimation with some camera trapping work, which we're doing and we're about to embark on up at Rushy Lagoon in the north-east. This is a methodology which will allow us to get an estimate of populations where the population or abundance of the animals are quite low.

The third thing that we do is engage citizen science. We're hoping through the deer scan app that Joe Citizen - we're starting to get momentum with that now - will report deer sightings, not necessarily in the areas where we know there are deer. It's obvious, but we'd really like -

CHAIR - Esk Main Road, that's a given.

Mr THOMPSON - Yes. We would like people to report seeing deer in more fringe, more I suppose, unusual destinations, in the wilderness world heritage area and other areas where deer have not been populous. I think it would be really good if Greg could explain to you what the trends in these populations -

CHAIR - How are the numbers tracking, Greg?

Mr HOCKING - They are going up, as Robin has hinted at. Although, I would qualify, with all due respect to Simon, that - he did say 'acknowledged numbers'. Some of the earlier numbers that have been thrown around were very much 'back of envelope'.

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CHAIR - They call them 'rubbery', I think, up my way.

Mr HOCKING - Yes, rubbery as can be. My word. Yes. The most recent survey, the aerial survey, is the firmest estimate we've got, within that range though and also, it's worth bearing in mind it was done at a certain time of the year, end of September, I think. Yes. Which is after - I think that year something like 15 000 to 20 000 deer were shot, that was at a low point in the population for the year. It goes through an annual cycle.

CHAIR - Have you actually done an assessment of how big of an increase we would need in Tasmania to start reducing the numbers to beat the population growth? Have you thought about that? I bet you have over 30 years.

Mr HOCKING - The population under current take levels, which have been increasing in recent years, of course, in parallel with the increase in population, is going at about 4-5 per cent per annum. That's the current rate of increase. Clearly, we need to take more - and we need to take them more effectively in distant parts -

CHAIR - Like the focus on the female?

Mr HOCKING - That's right. Rather than just taking deer within the Midlands, which is important, we need to spread the take out and the plan that's been referred to by Simon and discussed earlier aims to do that. The zonal system that the plan proposes, with different levels of regulation within those zones allows for greater pressure to be applied outside zone 1 which has been referred to as the traditional deer range in the Midlands.

CHAIR - My final question before I let others ask theirs in this matter is about the professional hunters. Has the department considered going in to do a big cull to try to really suppress the numbers in maybe a one or two season hit and bring a more manageable number down and then continue on that pathway?

Mr THOMPSON - As Simon said, most of the deer in Tasmania are on private land. That means that their fate is really in the hands of the landowner within the bounds of the current regulations. As I've just said previously, there have been no real take-limitations placed on taking deer in the recent past other than the fawning moratorium which has been changed but it is from the 15 November to the 15 March, not taking does.

If an individual property really wants to have zero deer or take as many deer as they wish, they can do that under the current regime.

CHAIR - They can get a permit under regulation 38.

Mr THOMPSON - Well that but also under the normal regulations that refer to property protection permits. In zones 2 and 3, under the new policy associated with that, it's 365 all classes of deer, no take limits, no tagging, which really means that is fairly aggressive management that hopefully will manage down or potentially eliminate the population. The elimination thing is really challenging. It needs lots of resources because as the population gets lower and lower, the chances of actually seeing an individual within that population gets lower also. So exponentially you need progressively more resources to remove a smaller number but, again, most of those animals are on private land and it really depends on the will of those land managers to want to manage those animals.

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There is no government policy that we're going to eliminate a partly-protected wildlife species as they are at the moment. The opportunity is there but you might note that there is a project which is about to take off - literally - which is a trial looking at shooting from a helicopter to eliminate. That's the aim but the effective outcome, certainly in the first instance, will be significant population reduction of deer in the Walls of Jerusalem National Park and to evaluate that technology for use in other crown-managed properties.

CHAIR - Our earlier presenters would be pleased to hear that, I'm sure.

Ms FINLAY - Thank you, Chair, and thank you to everyone before the committee today. A range of different types of questions, we are starting where we finished, and following on from the question earlier with the aerial shooting - the clean-up or the follow-up, are there any biosecurity or other animal management issues with that? How does that work?

Mr THOMPSON - In those reserve areas there should be no domestic animals so the ability to transmit disease to a domestic animal in those areas should be zero. We note that in some of those areas, not necessarily in the Walls of Jerusalem, but some domestic animals have gone feral, pigs on Flinders Island; sometimes goats in other areas.

CHAIR - Cats.

Mr THOMPSON - Cats are the classic, aren't they? We're still learning about the risk that deer present to biosecurity.

The United Kingdom experience suggests that they could be a vector, how significant it is in transmission of foot and mouth disease which, of course, is an exotic disease to Tasmania. Hopefully, it stays like that but it is in Indonesia now.

Farmers send us samples of deer carcasses for testing for typical pathogens that infect domestic animals. Last year we tested several samples of feet which were, I suppose, showing the pathology of ovine footrot and, of course, that's pretty important in a sheep enterprise; but they were all negative for carrying that bacteria. One of the strategies in the plan is to look at the impact of deer on biosecurity, and that will have to rely on farmers, hunters, people who encounter deer with something that looks strange - the old biosecurity message - to give us the appropriate samples so they can be investigated.

Ms FINLAY - A follow up question, about a matter that was raised earlier by Mr Cameron. I did note that the Chair said that we can't ask policy questions but I don't think this is a policy question. The misalignment between the regulations and the act, and whether in coming to the final position on regulations, whether they are scrutinised legally and whether a position or an opinion on that is granted -

CHAIR - Whether they're contrary to the purposes.

Ms FINLAY - Yes. Has there been a legal opinion about the regulations and their application subordinate to the act?

Mr CRANE - I'm happy to answer that question. The regulations are drafted by the Office of Parliamentary Counsel. They must consider their consistency with the head of power act; in this case, the Nature Conservation Act. They go through all of that process, that's part

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of their QA process in developing the regulations. I can say that we have proposed regulations previously, particularly in the animal welfare space, where they have said that is beyond the head of power of the parent act, and they cannot be included within the regulations. There is a rigorous legal process. It is outside our control. It's entirely independent in the sense of being prepared by professional lawyers on behalf of government to prepare the regulations to ensure they are consistent with the parent act.

Ms FINLAY - If I could have a follow up question to that? The regulations as provided by OPC, have there been any amendments beyond what OPC provided with other inputs that may have caused the final regulations not to be drafted by OPC?

Mr CRANE - No, they have to be drafted by OPC. I won't take it on notice but I will say that I'm fairly sure that we're up to version 7 when we finalise them. It's an iterative process over years, in this case, to ensure both consistency with the law and also, we ensure that policy intent is conveyed through those regulations.

Ms FINLAY - Thank you. I might have a follow up question again in a moment.

CHAIR - The secretary has reminded me that we do receive with our package a certificate to advise that it does comply in that matter. However, it's certainly good information to have. Thank you.

Mrs HISCUTT - The information from OPC here says it appears to be within, it does not appear to contravene, it appears to be with -

CHAIR - As with all lawyers.

Mrs HISCUTT - Maybe a second opinion might be okay. Just one particular question. I'm hearing you say that it's well within the regulations for farmers to go out and do what they need to do. I hear from farmers saying, 'We're getting inundated and we can't do.' Where's the disconnect between what you're saying and what we're hearing? Do you have an opinion? Are the regulations too difficult? Why is it not being picked up at the other end, and the farmers or the cullers are saying it's just a matter of tick, tick, tick; the department says 'yes'. What do you think, where is the disconnect here? Do you have an opinion?

Mr THOMPSON - It's a theme but as a farmer, you most effectively control browsing wildlife at night. That means that you're doing the day job and then you do your night job and that's unsustainable over a long period of time, which, of course, I'm sure others will attest to.

Mrs HISCUTT - I'm the same. We're farmers too. I understand this; but this is not what I'm hearing from the farmers.

Mr THOMPSON - No. I guess they rely on other people. There are two classes of 'other people'. They are recreational hunters. Recreational hunters, of course, are just that - they are recreational. Without verballing anyone, their aim in the world, I suppose, is to continue recreating in the way of hunting, and therefore, their aim is to ensure that there is a supply of whatever it is that they are hunting. Yes, they will have a level of effectiveness. Of course, the commitment that recreational hunters can make is probably somewhat limited too, because they also have a day job and it is their recreation. That comes to the third class of people and that might be the people you pay to shoot. There are a number of people who do

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earn their living as paid shooters, professional shooters. They are not hunters; their aim in the world is to see it and kill it, within the bounds of all the animal welfare requirements et cetera. A recreational hunter might be a bit more selective, and might have a slogan of 'let it go, let it grow'. That means we keep this stag this year because it will have a much more increased trophy value next year, or the year after. It is speculation, but there is a supply of people who want to do this antisocial work maybe because it is a bit like working in a restaurant. You work when everyone else is playing.

Mrs HISCUTT - I hear what you are saying. Let us get onto the professional group who are out trying to manage this population. We all know that one shot and they might get one deer and the herd is gone, because Tasmania is not permitted to use suppressors. Now, this is my own personal opinion, but I have heard this group say that. Do you have an opinion on that? Or, you may wish to not have an opinion on that, that is okay.

Mr THOMPSON - I could tell you how suppressors work. Now, suppressors, often called silencers -

Mrs HISCUTT - No, we call them suppressors.

Mr THOMPSON - Yes, but they do not silence it, that is the point. They distort the sound and distort the direction that the sound came from which often does give a little window for a second or a third shot. Certainly, though, deer have survived because they are very wary. They behave very differently to a macropod, when you shoot a macropod. Yes, by virtue of their innate biology, they are survivors and their adrenaline level goes up and they flee very quickly when things get a bit different.

Mrs HISCUTT - In Victoria it is permissible -

Mr THOMPSON - That is not for us.

Mrs HISCUTT - That is not for you, yes.

Mr CRANE - Through you, Chair, if I could add to that as well. One of the changes that we made as part of the regulation review process was to simplify the process for commercial users of wildlife - that is, for shooters and those who handle the wildlife, to reduce the number of permits and licences they need to reduce the administrative burden, because that was the feedback we received. Now, you can effectively do that task with one licence and permit rather than having to have multiple, different ones for each or each of the types of wildlife you do and all of the activities you might undertake.

Mr HOCKING - To go a bit further on that, most deer, wallabies and kangaroos are shot under a Property Protection Permit. What Andrew is referring to is the Commercial Purposes Licence that can allow any of those things - wallabies, possums -

Mrs HISCUTT - To be taken home -

Mr HOCKING - Yes, to be sold to a processor.

CHAIR - I am always mindful of time in this role but thank you, Janey, this is too important just to cut it off.

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Ms FINLAY - May I have one more question? I wonder whether I might be able to pose it to each of the members in front of the panel. What, in your mind, in each of your roles, is the consequence of removing the partly protected status?

CHAIR - We understand if you do not have a policy.

Mr THOMPSON - It is a policy issue; but I can say that having some form of regulation there does enable us as regulators to get a really good handle on information that can feed into how the population might be changing, through take returns. I guess that is a plus. Also, we were talking about antisocial behaviour before. Of course, using a firearm off a road or whatever is not condoned, irrespective of the species; but having some level of protection to a species such as deer does increase the enforceability of antisocial behaviour. If it does nothing else, it is those two things.

CHAIR - Thank you, Greg?

Mr HOCKING - From my perspective, the protection of deer at the level it is now, I think does very little to limit the actual take. We have opened it up sufficiently, I believe, that deer can be taken very freely. I don't know that it would make a huge difference to the number of deer if you removed the partly protected status of deer. It will have impacts, as Robin suggested, on the enforceability of things. I know police like to whack people with the Wildlife Regulations because they're doing other things with firearms they shouldn't be doing. Yes, they can hit them with a breach of the Tasmanian Firearms Act 1996 or other laws but this is a very good one to hit them with so there are positives for society at large from having a level of protection. It's not just about hunters.

Mr CRANE - I would say the same thing but I say it from the perspective that I used to manage the investigation and enforcement section for the department. They were consulted very heavily in the preparation of these regulations and particularly on that issue regarding antisocial behaviour. They work very closely with Tasmania Police but they also work together in pairs on their own, if that makes sense, in remote and difficult and often dangerous situations. They are confronting people in this situation.

One of the areas that they particularly express concern about is trespass because, whilst it's true that poaching is a concern with the regulations, trespass is also a concern for landholders or farmers. As many people here have said, you don't want people coming on to your property unannounced with firearms, particularly if those people don't know where you are on your property.

The additional penalties associated with having the species regulated in the way that is currently used is a significant deterrent for people actually doing that. It does not deter everyone and there will always be trespass and there will be poaching. However, it is a considerable deterrent and a considerable assistance for those involved in enforcement, both the rangers within the department and Tasmania Police to have that additional measure to say you are committing 'these' offences, and that's often a deterrent.

There's also an element of self-regulation within the industry because people don't like their legitimate activity being de-legitimatised by people doing the wrong thing because it tarnishes everyone.

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CHAIR - Thank you.

Ms PINTO - Thank you. I would probably still have to agree again with what Robin, Greg and certainly Andrew have indicated. I now have the investigations and enforcement team under my direct management and can reiterate the matters that Andrew has flagged.

Clearly, deer hunting has an ability for that to occur and it is a commitment that the Government has made and we are making sure that we are providing for the right mechanisms for that to occur. That is through the matter of how the animal has been listed in the regulations, so if we have a direction or an understanding of looking at that in the future then the department would do that. The mechanism and the manner in which the species is currently listed under the regulations is considered appropriate, particularly for the main reasons that my other colleagues have named up today, which is entirely appropriate.

CHAIR - Thank you very much for that quick five-minute overview.

With regard to the rest of the regulations, which we know there are some because we are holding up your colleagues as well who are going to be online but we have sent them a message so thank you.

Mr CRANE - I point out that the regulation review process was a statutory review. The previous sets of regulations were due to expire. This process has taken about three years with a one-year delay due to COVID-19. The most significant changes have been the amalgamation of two previously separate sets of regulations to bring together what we have called the Wildlife Regulations and the Exhibited Animal Regulations - those regulations that govern wildlife parks and zoos, and also have some significant overlap with the importation of wildlife. It was deemed appropriate by both OPC and from a policy perspective to bring those together because many of the stakeholders need to reference both sets of regulations and they sit under the one piece of parent legislation, being the Nature Conservation Act 2002 so they were brought together. That has lengthened the regulations and the number of them but that is the reason why that's the case.

There have been a number of relatively minor administrative changes to try to streamline processes. Technology has moved on. We have a much greater acceptance now, for example, in terms of electronic lodging and receipt of information, licences and permits and associated information. We have sought to bring together various groups of permits and licences. I mentioned the commercial use permits and licences.

The wildlife care sector has grown significantly in the last 10 years and we have created special permits and conditions and associated information for wildlife carers to make sure that they are protected in their very important volunteer activity of caring for injured and orphaned wildlife. Previously that was a grey area. It has clarified, for example, local government's capacity to remove roadkill without requiring a permit, which they previously did.

CHAIR - Well, they don't do that very well, I can assure you, but anyway, go on.

Mr CRANE - I can't comment. Previously, they were potentially subject to prosecution. We've made it very clear in the new regulations that that's not the case. We've also allowed for sub-authorisation with some permit types. If someone receives a permit, and this has previously been the case, for example, with property protection permits, where a farmer can

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receive a permit and then sub-authorise others to actually undertake that action, we've extended that to provide administrative clarity and simplicity for some other permit types, just to make it easier.

That has reduced the number of permits that have been required by proponents, while still regulating exactly the same range of activities and it has reduced the number of permits the department has actually had to issue. So, from an administrative point of view, everyone wins without any reduction in regulatory capacity or enforcement capacity regarding the actual regulations. That's probably the simplest way, the overview.

CHAIR - Have there been any issues with animals that are held in zoos for entertainment, if you like?

Mr CRANE - We haven't had any. That's probably due to two things. One, many of our wildlife parks and zoos have been either closed or on reduced hours for a significant period of time due to COVID-19. With the loosening of restrictions, they've been able to open. That often provided an opportunity for some of the larger parks and zoos to re-evaluate their livestock holding and wildlife holding. Interestingly enough, I think it also has provided an opportunity for greater cooperation in the sector because everyone was doing it tough equally.

The Australian government at the time provided significant assistance, as did the Tasmanian government, and what I've seen - and I don't manage that area anymore, but what I had seen up until that point was greater cooperation within the sector, looking at exchange of animals, ensuring that animals were held in appropriate conditions. They always had been but what we have seen - and I can't speak for the last three months, I haven't been in that role - but we'd had no complaints from members of the public or from bodies such as the RSPCA or others regarding the standard in which wildlife was being kept in Tasmania's parks and zoos. The only exception to that is one park, which is significantly downsizing its collection due to a change in ownership. There weren't complaints but there was a need to transfer wildlife from that park to another to ensure that animal welfare standards were maintained.

CHAIR - Any questions in regard to that overview because there are other aspects to these regulations being proposed? We seem to have focused on one area. Then in light of that, I will thank you very much for your time. Anything you wanted to add, Rebecca? We shouldn't forget you up there?

Ms PINTO - Andrew gave a very good overview and I think the other thing that I probably could add is the fact that we are pleased to have had an ability to be able to streamline regulations into a single body, which makes it a lot easier and more understandable for the general public as well as ourselves to administer.

CHAIR - Okay. Thank you. I appreciate that. As I said from the outset, the public hearing's privilege finishes at the door but you understand that. You work in that environment all the time. The *Hansard* will go up on the committee's website.

On behalf of the committee, we sincerely thank you, not only for today's effort but for the work that you do in the roles that you hold on behalf of the Tasmanian community. It's very much appreciated. Thank you. We shall finish the broadcast. Thank you.

THE WITNESSES WITHDREW.