

TRANSCRIPT

SELECT COMMITTEE ON VICTORIA'S RECREATIONAL NATIVE BIRD HUNTING ARRANGEMENTS

Inquiry into Victoria's Recreational Native Bird Hunting Arrangements

Melbourne – Monday 3 July 2023

MEMBERS

Ryan Batchelor – Chair

Michael Galea – Deputy Chair

Melina Bath

Jeff Bourman

Katherine Copsey

Bev McArthur

Evan Mulholland

Georgie Purcell

Sheena Watt

WITNESSES

Superintendent Sussan Thomas, and

Inspector John Cahill, Victoria Police.

The CHAIR: Welcome, members of Victoria Police.

I will just read out our brief statement here. All evidence taken is protected by parliamentary privilege as provided by the *Constitution Act* and provisions of the Legislative Council standing orders. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by parliamentary privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of the Parliament.

All evidence is being recorded, and you will be provided with a proof version of the transcript following the hearings. Transcripts will ultimately be made public and posted on the committee's website.

For the Hansard record, can you each please state your name and the organisation you are appearing on behalf of.

Sussan THOMAS: My name is Sussan Thomas. I am a superintendent of police, Victoria Police.

John CAHILL: I am John Cahill. I am an inspector of police at the licensing and regulation division of Victoria Police.

The CHAIR: Thank you both for coming here. You are our last witnesses – just to give you a sense of why we might be a little bit tired. I will start. The committee members will introduce themselves.

Katherine COPSEY: Katherine Copsey, Southern Metropolitan.

Georgie PURCELL: Georgie Purcell, Northern Victoria.

Sheena WATT: Sheena Watt, Northern Metropolitan.

Michael GALEA: Michael Galea, South-Eastern Metropolitan.

Jeff BOURMAN: Jeff Bourman, Eastern Victoria.

Bev McARTHUR: Bev McArthur, Western Victoria Region.

The CHAIR: I am Ryan Batchelor from Southern Metropolitan and Chair of this inquiry. I invite you to make an opening statement, if you would like, and then the committee will begin with questions.

Sussan THOMAS: You go first.

John CAHILL: I will lead off. The Victoria Police licensing and regulation division is charged with the regulation of firearms, controlled weapons and private security industries via the provisions in the relevant Acts and regulations via delegation from the Chief Commissioner of Police. LRD works with divisional firearms officers, or DFOs, spread throughout the state. LRD does not have line control of DFOs; however, they are active in their tasking for some activities, although DFOs work autonomously from LRD within their regions and divisions. They are, however, accountable for performance against statewide firearms-related benchmarks.

Whilst Victoria Police in entirety is responsible for enforcing the *Firearms Act*, LRD primarily oversees the activities of licensing and permitting of all participants. Further to that, LRD specifically is responsible for the regulation of licensed firearm dealers, collectors, clubs and ranges. DFOs in the regions and frontline officers more commonly interact with individual licence-holders, especially in hunting scenarios, although on occasion LRD can be involved in specific operations.

There are approximately 231,000 firearm licence-holders in Victoria, with approximately 165,000 of those recorded as having hunting noted as their genuine reason to possess category A or B firearms.

The CHAIR: Sorry, Inspector, can you just repeat that number again? I just missed the second –

John CAHILL: 231,000 firearm licence-holders – that is an approximate figure, 231,000 – and 165,000 of those licence-holders have hunting recorded as their genuine reason to possess cat A/B.

The CHAIR: Thank you. My apologies, I just wanted to get it right.

John CAHILL: No, it is okay. LRD systems cannot detail how many of those with hunting as a genuine reason relate to native bird hunting, as in the licensing and regulation system – LARS, our database – the genuine reason classification of hunting is broader than just one pursuit – that is, it includes deer hunting, duck hunting and other pest species hunting. The Game Management Authority's data on the number of authorities or licences issued for waterfowl or quail hunting would be more reliable for that data specifically.

In terms of individual firearm licensing requirements, someone wishing to hunt native birds in Victoria would be required to obtain a firearm licence specific to category A or B firearms. To obtain a firearm licence an applicant must specify a genuine reason. Specifically related to hunting, this can be demonstrated by: the production of a game licence issued by the GMA, of which there are several variants; written evidence that a person is employed, engaged or contracted to shoot pest animals or take game; written permission from a relevant landowner or manager; or written permission to hunt pest animals on Crown land issued by DEECA. Other genuine reasons exist outside of hunting, including owning, managing and occupying land – that is, primary production – and being a member of a relevant shooting club approved by the Chief Commissioner of Police.

Licence application is in the form and manner approved by the Chief Commissioner of Police, which is inclusive of: proof of ID; application documentation inclusive of proposed storage arrangements that are compliant with the *Firearms Act 1996*; a suitability self-declaration regarding mental health, substance abuse and physical conditions such as neurological or brain injury; satisfactory completion of a course in firearm safety approved by the chief commissioner and proof of a good knowledge of firearm law, and the applicant must meet probity requirements, and this is determined on available Victoria Police information systems that indicate an individual as subjectively a fit and proper person. Once the licence is issued it remains in force for five years before renewal is required. LRD's refusal to grant a licence for any reason can be subject to internal review after receiving a submission from the applicant or ultimately in the Firearms Appeals Committee or on review to VCAT.

A new licence applicant, once approved, must complete a 28-day waiting period before being eligible to apply for a permit to acquire, or PTA, for a firearm applicable to the class of licence held. A PTA for category A firearms is considered automatic at that point, once it is confirmed that eligibility has not been impacted during the waiting period. A category B PTA application must indicate a genuine need to possess that firearm. This cannot be for a different genuine need that applied to the original licence application genuine reason. If different, the permit is refused. However, it is open for the licence-holder to apply to add an additional genuine-need category on their licence. Most commonly, firearms used for native bird hunting fit into category A, and there is a significantly smaller, in fact very small, number of cat Bs.

Licence-holders are subject to ongoing monitoring. This occurs via LRD assessing the daily LEAP report, or DLR, for instances where licence-holders are involved in mental disorder transfers, family violence orders, police criminal charges or are in custody with an intent to summons. These instances are assessed against the prohibiting provisions that exist within the Act. If not already undertaken by frontline police, LRD will, on assessment, instruct frontline police to consider the suspension of a firearms licence due to the above criteria against the specific provisions in the Act. On rare occasions LRD will do so of its own volition based upon the seriousness and urgency of the situation. If licence suspension is required, this can be authorised by a sergeant or above, a DFO or an OIC of a one-person police station. It is not an LRD-only function.

Licence suspension subsequently infers seizure of firearms and ammunition, which can also go to a licensed firearm dealer for safe storage until matters are determined. The suspension process invites the affected person to submit material to LRD for review. The review process and time line vary greatly upon the wide set of circumstances that can exist, such as orders, medical clearances and disqualifying offences being served.

Ultimately, if LRD make the decision to cancel a licence, it is open to the affected individual to seek review at the FAC or VCAT. LRD also monitors the Victoria Police incident fact sheet system daily and assesses any involvement of police attendance at instances where regulated firearms are involved. Commonly this would relate to firearm theft or suicide by firearm.

In the context of this inquiry, with both being law enforcement agencies, LRD also periodically receives intelligence from the GMA via intelligence reports relevant to the regulated firearms being used in offending against the *Wildlife Act* or the GMA Act. In terms of the nature of this inquiry, it is very rare to receive reports relevant to native bird hunting, and more commonly issues relative to this form of firearm use would be the remit of the regions.

Sussan THOMAS: Thank you. My role in Victoria Police is operational support superintendent for western region, which is about 60 per cent of the state, and for the past two years I have had the portfolio responsibility as the state commander for duck-hunting season. The role of the state police commander is to oversee the police response to the duck-hunting season and to ensure that Victoria Police effectively undertakes its role as a support agency.

Organisationally, we put incident command and control structures in place in preparation for the duck season being declared by the state government. We manage our police response, tasking and coordination through internal IT management platforms and hold internal and external meetings with key stakeholders as required through the Victoria Police state duck-hunting season 2023 operation.

The main reason for Victoria Police involvement is primarily focused on protester–hunter interaction and maintaining the peace and safety of everyone. Members of Victoria Police are declared as authorised officers during the declared duck-hunting season. Duck hunting has occurred primarily in western and eastern regional areas. We have four regions, and it is primarily in those two regions.

We work collaboratively with our partners to ensure that everyone is safe. The Game Management Authority, GMA, is our key stakeholder. We have a strong relationship with them, both at an executive level and within the front line. We make sure that all officers, both police and GMA, are well informed and can undertake a safe and planned approach if required. Likewise, Victoria Police proactively engage with protest groups, and over the years we have developed trust and confidence, which has resulted in police being proactively advised of their intended actions at some of the hunting sites, enabling a safe outcome for all.

The Victoria Police statement of intent and role in duck hunting is as a support agency to assist the authorised officers conducting compliance work when interacting with armed hunters; conduct threat and risk assessments; protect life and property; maintain public order; provide an enforcement presence to deter illegal and unsafe behaviour – a visible police presence; enforce compliance with the *Firearms Act 1996* with respect to possession, use, storage and transport of firearms; and minimise or eliminate confrontation between hunters and protesters if that does occur. Our focus is crime prevention and detection, investigation, intelligence collection and emergency management. And that is it.

The CHAIR: Thank you very much. We will each be given a block of time to ask questions, and we will just rotate through. I will start. How much police resourcing do you think goes into supporting the enforcement function during the hunting season, and when are the times of greatest call on those resources over the course of that season?

Sussan THOMAS: Yes. In terms of actual numbers, I would have to take that on notice and that would have to be sought afterwards. However, based on the information received – and that can be from the protest group, it could be from the Game Management Authority, or it could be from our police members that are interacting with both – we then task and coordinate accordingly. In the western region, which is what we call division 1 – the Geelong area, Lake Connemara – we found that that area particularly needed some visible police presence just to ensure that their behaviour was correct and everyone was safe. Predominantly that was the first week, and then duck hunters and anyone who was wanting to protest at those venues minimised, and there was sometimes no-one there. What we do then is we e-task – what we call our e-task – and we task for visible police presence patrol, so just making sure and having a look and reporting back if there was anything to see. Likewise, in another area of the western region, division 6, which is the Swan Hill police service area, at Lake Buloke in that first week we found when I say high duck numbers, or high protest numbers, they were

both significantly lower this year; however, there was a presence. As a result, we did have a police presence there throughout the season, but it did reduce according to the information we received.

The CHAIR: We were down at Connewarre on the first day of the season, so that may have been a cause for some of your additional resources going down there. We learned that essentially – just correct me on this – Victoria Police are the only authority able to check firearms-related offences. The GMA is not able to do checks of guns and gun licences out and about. Is that correct, my understanding?

Sussan THOMAS: That might be a question for you from licence and regulation.

John CAHILL: I will take that on notice, but I think they can.

The CHAIR: Okay. You think they can?

John CAHILL: Yes, I think they can. We can certainly take it on notice.

The CHAIR: Certainly my impression coming out of that day was that the job of firearms-related checking was one for Victoria Police and that the GMA did not or could not – I did not know which one.

John CAHILL: That might potentially be more a matter of preference.

The CHAIR: Right, okay.

Sussan THOMAS: Yes.

The CHAIR: Okay. That is interesting to me. You talked about the difference between the prevention side of your activities and the enforcement side.

Sussan THOMAS: Yes.

The CHAIR: What do you find are the most effective prevention activities that VicPol can undertake during the season with respect to public order and safety?

Sussan THOMAS: Just from experience in the last two years that I have experienced it, the more interaction we have early – partnerships are very important – with anyone. If there is a regular person present from a protest group or if there is a regular person present from a hunting group et cetera, we try and build those relationships. It is always good to have good relationships early, and then if there is an incident – if there was an incident that arose – we find that once we have got that strong relationship we can normally work through it a lot safer for everyone, because primarily that is what we are there for. You know, we want to make sure that everyone is safe and that everyone is upholding the law.

The CHAIR: And on the enforcement side, what are the sorts of activities that you would normally or typically undertake during a season from an enforcement perspective?

Sussan THOMAS: Well, in terms of enforcement, they may check the bags, but that would be with the Game Management Authority. They may also ask for their licence – to present their licence. Just normal regulatory checks – that would be, you know, unless they get a specific call. If we got a call, whether it was through 000 or we got a call from someone from the area to go there, our enforcement activities would then be in accordance with that. If there was an investigation to be undertaken, we would do that. If there was an offence detected, we would have to take names and addresses et cetera and provide cautions et cetera, just like any other offence.

The CHAIR: Do you or I suppose does the crime stats agency do any recording of offences that would enable it to be identified as being connected with native bird hunting – so location, time, offence category? I am just trying to think. If we ask you how many offences you have that are connected to duck hunting and related activities, not just by hunters but by everyone involved, is that something you keep records of and are able to provide the committee?

Sussan THOMAS: The Crime Statistics Agency – so, all our data is cleansed, and they are our agency that provide the Victoria Police data. So if you wanted that information, you would have to go through the Crime Statistics Agency and ask those specific questions.

The CHAIR: But the recording of offences that you do that inputs into the CSA database or into LEAP that the CSA then interrogates, do you think that would include enough markers?

Sussan THOMAS: It really does depend on what information was put in at the time, if there was an offence, and the Crime Statistics Agency would have to navigate the system to look for those I guess keywords et cetera. That is what they would look for. So if you ask the right questions in regards to keywords, they should be able to interrogate the data.

John CAHILL: There might be some that stand out, such as ‘used toxic shot’. I think that only refers to waterfowl hunting. So I think that is one thing that might –

The CHAIR: Just so we can ask the question and do not have to go around and around, would there be anything identifiable in relation to people who are hunting with unlicensed firearms? Would that be recordable?

John CAHILL: Yes. That would certainly be recorded, but if you are asking would that be then able to be referenced to native bird hunting, I am not sure about the level of detail there. But the individual *Firearms Act* offences certainly.

The CHAIR: That should be possible, and then we would kind of have to figure out whether we could differentiate between hunting types that are recorded in the database.

John CAHILL: You would.

Sussan THOMAS: What might be helpful is there are offence codes, and those offence codes would be recorded.

The CHAIR: Okay. That is very useful. Mr Bourman.

Jeff BOURMAN: Thank you, Chair. Thank you for coming, superintendent and inspector. A lot of your police effort in duck-hunting season seems to be babysitting protesters and keeping them from getting themselves in harm's way. Is it fair to say that if the animal rights extremists were not out there disrupting a lawful activity, the state could be spared a lot of expense?

Sussan THOMAS: I am not at liberty to say. That is sort of a public opinion, so I will take notice on that.

Jeff BOURMAN: But it is fair to say that other than the protesters-versus-hunters thing, from a law and order point of view, duck hunting really is not on the police's radar as such – the behaviour of hunters. It is the juxtaposition, for want of a better word, of the two opposing sides that seems to be the problem, notwithstanding toxic shot and things like that. And I will be upfront and say I do not support people breaking the law if they are licensed hunters; it is just their problem. But duck hunters seem to be the least of the problem.

Sussan THOMAS: Well, Victoria Police are there to detect and apprehend any offenders, whether it is duck season or not duck season. So our role is to protect life and property and prevent and detect offences, so we come down to some of our core duties. So it is really, you know, that is what we are there for. So in terms of peaceful protest et cetera, in terms of any protest activity, we are there also to prevent any breach of the peace and to maintain public safety.

Jeff BOURMAN: Thank you for that. There have been some protesters online talking about getting game licences to get a shooters licence to avoid prosecution. Assuming this is true, and just because I read it on the internet it does not follow that it is true, but assuming this is true, is that wilfully – I cannot think of the word – breaking the intent of the laws for getting a shooters licence?

John CAHILL: I can speak of a couple of instances that I did not have firsthand involvement with, but I am certainly well aware of them within LRD, where that was detected – where known protesters were obtaining a

firearms licence and they did produce GMA waterfowl hunting authorities. Licences were declined on that basis, and we lost those matters at FAC.

Bev McARTHUR: Sorry, you say you lost?

John CAHILL: We lost – those decisions were overturned at FAC.

Jeff BOURMAN: The Firearms Appeal Committee, for those that do not know.

John CAHILL: Yes. I believe the more common practice now is the GMA taking action against game licences of individuals that are not hunting. That is not a Victoria Police action, but I believe that is the GMA approach.

Jeff BOURMAN: Okay. So it is likely that there are people out there with a licence that really are just using it to evade prosecution.

John CAHILL: I could not say. The only thing I can say is we certainly were aware of what appeared to be the obtaining of a firearm licence and subsequently the Game Management Authority – it did not appear to be for hunting purposes, no. I cannot speak to the level of that or the volume of that.

Jeff BOURMAN: I do not really have a lot for you guys; we have thrashed this out over the last few months. I might just leave my stuff there, and we will move on to the next person.

The CHAIR: Ms Copsey.

Katherine COPSEY: Thank you. We have had some witnesses before the hearings speak about their frustration, essentially, with recording complaints during the season – recognising the limited capacity of all agencies here – specifically residents who are trying to either figure out where hunting is taking place nearby their property, to understand what kind of shooting activity might be occurring, but more specifically than that, people who want to report what they believe is improper use of a firearm – for example, shooting before the opening time – and their frustration that they cannot really get a point-in-time response from the GMA to deal with a complaint of that nature. It is a bit of a generalisation, but what kind of capacity would police have to respond to that sort of complaint, if a resident was wanting to see if there was something that could be done to investigate it at that point in time, while the activity is taking place?

Sussan THOMAS: Yes. I guess when they hear shots fired et cetera and whether they are before the hours or not, some people have potentially missed some of the media. I mean, it is through the media purposefully to make sure that people are aware. But if they have missed it for whatever reason, whether it is that they have just not heard it through the radio, television, in the paper or on the internet et cetera, sometimes those calls would go through 000. The operator can inform them that it is duck season, if the operator is aware also. However, often police will attend – especially if it is before the hours, police will attend.

In terms of the generalisation question, yes, we may have another job that is a higher priority where someone's life is impacted if we do not attend et cetera. So it is very general, because I have not got a specific incident and I cannot tell you what our units were all doing at that time. But we do try and act on everything and try and inform people where we can to try and, I guess, make them satisfied that police have listened. In terms of GMA, of course I cannot speak on behalf of them. But yes, when we do get a call through 000 before 0800 hours, we have attended, and we do investigate.

Katherine COPSEY: Thank you. That is good to understand. A bit of a theme of the evidence before the committee has been the difficulty of prosecutions in this space, where often there is not someone who is there at the time of an offence occurring to intervene. So following up after the fact – I think there has been some feedback that that makes it difficult to have confidence that prosecutions will be successful, essentially, if the evidence is not gathered at the time. With those sorts of reports, in your operational role over the last couple of years do you have any sense of the frequency of those sorts of complaints and concerns from nearby impacted community members?

Sussan THOMAS: Yes. In terms of exact number, again, I would have to take that on notice, and that would be available in terms of calls et cetera. However, it is a very small number, yes. We have actually found,

particularly the last two years, that there have been little or no incidents. But yes, there have been calls, police have attended, but I could not give you the exact number.

Katherine COPSEY: Similarly, I am not sure where complaints of this nature would commonly go, whether it would be to GMA or to the police. But instances of concern about trespass and people entering property illegally to shoot or without permission – do you have a sense of the frequency of that occurring, and is that a matter that police commonly attend to or is that something you would refer to the GMA?

Sussan THOMAS: GMA may have some statistics and records of that as well. If we did get a report of trespass, absolutely we would attend, particularly if they have entered someone else's private property. And by all means, if that did occur, we would speak to the parties that were there, try and gather evidence et cetera, just like any other recorded incident. In terms of whether we have had numbers to that, again, I would have to take that on notice and check. I could not say there was none, but there would be a low number.

John CAHILL: If I could add: that type of call, essentially trespass with a firearm – what might traditionally be termed poaching – is not that uncommon in country areas, but I do not think specifically to native bird hunting, more shooting and hunting more generally.

Katherine COPSEY: What about quail?

John CAHILL: Pardon?

Katherine COPSEY: Is it more common with quail?

John CAHILL: No. I would have actually probably drawn it as more common with deer.

Katherine COPSEY: Thank you. I just ask because we are learning that quail is mainly hunted on private property. Thank you. I am also interested, Superintendent Thomas, in what other areas you have responsibility for. So what are you working on when you are not working on duck season?

Sussan THOMAS: Okay. That is a broad question for me because my role sits across crime, road policing and community engagement, and I have the intelligence management function for the western region – so a lot.

Katherine COPSEY: A full plate.

Sussan THOMAS: It is a very diverse portfolio.

Katherine COPSEY: In that case, thank you very much for your time. I know we have already thanked you for appearing today, but thank you for making the time to present to this inquiry. I am interested in in terms of your annual planning and so on – it might be difficult – a rough indication of the proportion of your time that is spent on preparing for and resourcing attendance and follow-up around duck shooting specifically, or duck and quail shooting – native birds.

Sussan THOMAS: Yes. For duck season, in my time prior to the actual declared duck season, probably about a month out, I start planning. I have got some other staff that assist me in terms of secretariat functions. We hold official meetings, internal meetings. We have got six divisions in western region. Effectively only two that I mentioned earlier are the main divisions that are impacted, but we have what we call police forward commanders in those areas. There is documentation that we have to prepare, and we prepare that documentation. We record everything on our internal systems, and we also have meetings with any external partners that we need to as well if a case arises, but predominantly GMA, so there are those meetings as well. So for me, sitting sort of at that top of the tree, it is more the coordination role, making sure that everyone is reporting back if there are any issues, any emerging trends, anything problematic – you know, that is my job to work through that. If some of those divisional police forward commanders need support, et cetera, or more information, that is again my role to seek that for them. And we report up of course to my upper management and inform them, regularly, how it is going as well. So we treat it like any, I guess, operation of that nature. We have had similar things and we try and put the same incident command control system in place, and so it is quite structured.

Katherine COPSEY: Thank you. Thanks very much.

The CHAIR: Thank you, Ms Copsey. Mr Galea.

Michael GALEA: Thank you, Chair. Good afternoon, Superintendent and Inspector. Thank you for joining us. Superintendent, how much of the police's work in this field would you say is proactive as opposed to reactive?

Sussan THOMAS: Well, I would not want to put a percentage on it, to be honest; I would be just guessing. But I would say predominantly it is proactive, because the enforcement has been very minimal, but the proactive engagement is ongoing. So it does not just start a month prior; it would be throughout the season and making sure that we are visible, and that is sometimes proactively talking to hunters as well and making sure that they know we are there, et cetera. And a part of that also might be enforcement – asking their name et cetera, providing their licence. I would say it is a very proactive operation, but with that enforcement arm ready to go, if need be.

Michael GALEA: Sure. And that proactive work that you do, would that be predominantly towards compliance of the shooters, or would it be predominantly towards avoiding conflicts between hunters and animal rescuers?

Sussan THOMAS: Well, there has been little or no conflict this season, so I would say it is predominantly – we speak to both, to be honest. Victoria Police are an impartial organisation, where our focus is on the safety. So if one particular area is potentially behaving a little bit – I would not say badly, but maybe problematic, we might put some attention on them. And if it is the other particular area that is not complying et cetera, we put some attention on them. So it is on an as-needs basis.

Michael GALEA: Sure. Thank you. And in terms of that compliance work as well – so in terms of things such as bag limits or time frames – this season there was an 8 o'clock start time. If there were shots fired at, say, 7:55 in the morning, would those be the sorts of things you would be actively seeking to monitor, or do you see that as more the role of the GMA?

Sussan THOMAS: No. We are there as a support agency, so they are the primacy agency that would definitely act on that. However, if we got the call and they were not there, we would take primacy. But we try and work together where possible and definitely to ensure the safety of those officers as well when they are attending any incidents.

Michael GALEA: I realise this is hard, because each season can be quite different. We heard just before that there are 75,000 hectares of state game reserve wetlands in the state. There are 21 authorised officers from the GMA. Would it be fair to expect that at any one time during duck-hunting season there would be more police out and about, or would there be more GMA officers?

Sussan THOMAS: All police members under the *Victoria Police Act* are authorised, so technically all police members that attend could be authorised. However, I would say there would be potentially more police there at times, especially in that first week or when we have got information to suggest we may need more police. Other times you may find that there are two authorised officers from GMA – two or four – and there may not be any police there. As I said, it really does depend on the information we receive.

Michael GALEA: Sure. Thank you. Inspector, you mentioned that the majority of native bird hunters use category A firearm licences and some use category B.

John CAHILL: Yes.

Michael GALEA: If someone has a higher category licence for a legitimate purpose, are they allowed to use that firearm under that higher category for the purpose of native bird hunting, or can they only use an A or B?

John CAHILL: The reference to some Bs being suitable for native bird hunting – it is to combination firearms, where it is a shotgun but it also has a centre-fire rifle barrel as part of that firearm. It is a fairly unique, niche aspect. If you are thinking of native bird hunting, you are really thinking of category As.

Michael GALEA: Sure. If, hypothetically, I think handguns are category E – is that right?

John CAHILL: They do not –

Michael GALEA: H.

John CAHILL: You could not –

Michael GALEA: You could not take a category H and –

John CAHILL: Absolutely not.

Michael GALEA: Yes, sure.

Jeff BOURMAN: H are machine guns.

John CAHILL: Absolutely not.

Michael GALEA: Okay, well, we do not want that. So even if you had a licence for a specific and legitimate purpose, say, sports shooting, you could not then take that same –

John CAHILL: Correct.

Michael GALEA: Thank you, yes. Mr Bourman asked about animal rescuers seeking firearm licences for the purpose of gaining access to the wetlands. Are you aware of members of the public seeking a firearms licence on the justification of being a native bird hunter when they are actually not hunting at all, just for the purposes of obtaining a firearm?

John CAHILL: That was the reference that I made before. It appeared on face value. Like I said, it was not a matter I dealt with specifically, but I am certainly aware of it. The assessment and determinations unit within LRD is a separate section. But I am aware of a small number of licence applications from individuals that were apparently known protesters, which on all assessment appeared to not be a genuine attempt to gain a firearms licence to hunt ducks.

Michael GALEA: Yes. And are you aware of anyone using native bird hunting as a justification for a firearms licence –

John CAHILL: Yes. That was that case.

Michael GALEA: when they are seeking a firearms licence not be a protester but to obtain a firearm for a different purpose?

John CAHILL: I am not aware of that.

Michael GALEA: Not aware of that.

John CAHILL: No.

Michael GALEA: Okay, thank you. I think that is all my questions. Thank you, both.

The CHAIR: Mrs McArthur.

Bev McARTHUR: Thank you, Chair. Thank you very much, Superintendent and Inspector. What would be an approximate ratio of police interactions with hunters versus anti-hunting activists?

Sussan THOMAS: I would be guessing to give you a ratio, and I would not want to do that. I would have to take that question on notice, because I would need the statistics and data in front of me.

Bev McARTHUR: That would be terrific. Thank you. Would you say that hunters are genuinely compliant and cooperative people?

Sussan THOMAS: I can only speak on behalf of the last two years of what I have witnessed, and yes, I think that there has been little – or no incident.

Bev McARTHUR: So they are generally compliant and cooperative. Do you deliberately focus attention on areas with high protester attendance?

Sussan THOMAS: Any deliberate action would be based on information. If we felt as though there was a large number of protesters going into an area, we would focus our attention there in terms of resources, predominantly to make sure that everyone who goes to that area is safe and to make sure that the protesters et cetera were not putting themselves in danger and that it was peaceful. I am not sure if it is intentional, but it is definitely planned, making sure our resourcing and coordination are effective.

Bev McARTHUR: How would the amount of time or resources spent trying to manage protesters during duck and quail season compare with the time and resources spent managing protesters on the steps of this Parliament House?

Sussan THOMAS: Did you ask for a specific number? I would not be able to provide you that number. I would have to take that on notice.

Bev McARTHUR: Great. That would be terrific. Thank you. The corollary is: should protesters come here instead of going out to the duck-shooting areas? Would that be a better operation? Then you would be saved. You could actually probably spend your time trying to find the thieves who are prevalent at the moment in our region stealing farm animals at a rapid rate.

Sussan THOMAS: I think I would take that question on notice. It is a personal opinion.

Bev McARTHUR: Okay. That would be good. Look, we heard about desecration of cultural sites. It was alleged it happened during duck-shooting seasons, and the intonation was that it was duck shooters causing this desecration, but the witness could not provide specific evidence. Have you had reports of desecration of cultural sites by duck shooters?

Sussan THOMAS: I am not aware of any.

John CAHILL: I am not aware of any.

Bev McARTHUR: Okay. So we need to be very aware of people making accusations about various people that there is evidence?

John CAHILL: Indeed.

Bev McARTHUR: Indeed. How much time and resources go into ensuring the safety of duck hunters and others due to activists on wetlands?

Sussan THOMAS: The specific time and resource numbers I will take on notice. As I explained before, through the operation we focus a particular number based on the information we receive, so it does ebb and flow, depending on the information throughout the season.

Bev McARTHUR: We get the impression from some that there should be police at every potential duck-shooting site, but would VicPol aspire to having an officer on every road and street in Victoria to enforce traffic laws, or do you believe it is possible to successfully enforce laws without that level of oversight?

Sussan THOMAS: Could you just ask your question again? I felt as though there were three questions in there.

The CHAIR: I think there are probably limits to what they are going to be able to say, Mrs McArthur. You can only lead them so far.

Bev McARTHUR: Yes. The idea that there should be police and GMA officers on every potential site of duck shooting would require a massive sort of force to enforce the law. Should we expect that there be a policeman on every road and street to enforce the road laws?

Sussan THOMAS: Wouldn't it be great if we could have that? But I could not speak on what you would expect.

John CAHILL: I guess that is why we have penalties to act as deterrents.

Bev McARTHUR: You have what?

John CAHILL: Penalties to act as a deterrent.

Bev McARTHUR: Penalties – I thought you said ‘bounties’, and I was thinking of bounty hunters. Penalties – exactly. Yes, right. Is there a limit or a specific distance from a residence you must be to discharge a firearm?

John CAHILL: There is a limit in regard to sport target shooting on private land. It is 250 metres from a neighbouring residence without permission. That is relative to sport target shooting, not native bird hunting.

Bev McARTHUR: Okay. There is no specific area. So there is no specific offence for being too close to a residence when hunting?

John CAHILL: No. It is more relative to perhaps the danger that is created by the discharge of a firearm towards a residence or a property.

Bev McARTHUR: And how would you say duck hunting is generally perceived by your force?

John CAHILL: I think that is a matter of opinion.

Bev McARTHUR: I am happy to receive your opinion.

The CHAIR: I am not sure they are going to give you an opinion, Mrs McArthur.

Bev McARTHUR: Anyway, we have concluded, or you have concluded, that duck hunters are generally cooperative and compliant people. How do you find the protesters?

Sussan THOMAS: Well, I can only, again, speak on the last two years, and as I have said, there has been little or no incident. The behaviour has been good from both parties.

Bev McARTHUR: Well, there is no reason to get rid of it then. Everybody is happy.

The CHAIR: Thank you, Mrs McArthur. Ms Watt. Sorry, Ms Purcell.

Georgie PURCELL: You forgot about me, Chair.

The CHAIR: Sorry. Somehow.

Georgie PURCELL: Thank you very much for appearing today. I want to talk about minors using guns on wetlands. So the National Firearms Agreement states to not license the use of guns in children under the age of 18. And as you would know, an exception is made for duck shooting, and in Victoria children as young as 12 can legally operate a gun, which is rather concerning to me. You were not in this role at the time, but in 2011 a rescuer was shot in the face by an under-age person operating a gun at Lake Buloke. Does Victoria Police acknowledge the risk that comes with dismissing the standards set by Australia's national gun safety laws?

John CAHILL: Sorry, what was the last part of that?

Georgie PURCELL: Do you acknowledge the risk that comes with the dismissal of the standards set by Australia's national gun safety laws?

John CAHILL: Is it a deviation from the National Firearms Agreement?

Georgie PURCELL: Do you acknowledge the risk that comes with this exemption that is given to duck shooters?

John CAHILL: For sure there is a risk, absolutely. And the use of a firearm by a junior permit-holder has to be under the supervision of a licence-holder. It is a stated condition of a junior permit-holder operating a firearm in any circumstances.

Georgie PURCELL: Do you think that is sufficient?

John CAHILL: I do not think I can talk to my opinion of legislation.

Georgie PURCELL: That is okay. I just want to talk about a briefing note that has been cited by my office, again prior to you being in the role. In 2018 the VicPol internal season briefing document stated that officers should ignore if under-age kids were on wetlands as duck shooting was a family activity to be encouraged. Is I guess picking and choosing which regulations apply during the duck-shooting season common practice? For children who are under-age, even under 12, is what I mean.

Sussan THOMAS: I am going to have to get you to repeat your question. So you were talking about this briefing note, and you mentioned there was a particular statement made in this briefing note.

Georgie PURCELL: Yes, to I guess not do anything about children being present with families on the wetlands because it was considered a family activity. Is this common practice to be advised to VicPol officers?

Sussan THOMAS: So obviously I have not seen the briefing note so I cannot speak to it.

Georgie PURCELL: It was before your time, yes, so it is tough.

Sussan THOMAS: And so I still have not witnessed it. In terms of is it a common practice, normally our briefings are very objective, and personal opinion et cetera is never in our documents. It is factual. It is to provide our members with I guess the facts on what they need to know et cetera.

Georgie PURCELL: Thank you. I am sorry to ask difficult questions from before you were present. As you would be aware, duck shooting takes place in regional areas and often requires utilising the police resources in those towns. What is the impact that it has on regional areas when the police force is taken away to monitor duck-shooting activity and is not available for other forms of emergencies?

Sussan THOMAS: Okay. So if there was an emergency, there are the normal patrol resources. So what we utilise our resources for, for duck season predominantly, is what we call a surge capacity. So we actually roster accordingly.

Georgie PURCELL: Okay. But would it be fair to say that compliance efforts during the duck-shooting season can take police resources away from regional towns for other matters?

Sussan THOMAS: I guess the best way of saying it is some of the local resources in those towns are rostered accordingly to attend the duck season area. But if there was an incident, an emergency, police would attend that.

Georgie PURCELL: And you would be aware that to own a firearm a person must have a genuine reason, and that being a member of a hunt or shooting club constitutes a genuine reason; what checks are in place to ensure that people who say they are hunters are actually using their firearms to hunt and not simply stockpiling firearms?

John CAHILL: One for me?

Sussan THOMAS: Yes.

John CAHILL: The elements of a genuine reason. I spoke to it in my opening statement, which is essentially what you are talking to. The capacity to crosscheck that is limited in some capacity, and it is also an issue for, on renewal, what has happened in the interim years of the length of a licence. It is checked on first application, so in the context of the subject matter that we are talking about now, with an individual's application they would have to provide their GMA authority, and they would have had to obtain that first. On the fifth year, when they renew their licence, we would need to see that again. What we do not really see is what has happened in years two, three and four. It is a recognised gap, but it is assessed again at the fifth year, if that makes sense, on renewal.

Georgie PURCELL: How many firearms can a person with a licence and a genuine reason own?

John CAHILL: Yes, that is fairly broad in the context of the categories of firearms.

Georgie PURCELL: If you have a game licence, how many?

John CAHILL: With category A firearms, which is essentially what we are talking about, there is no limit.

Georgie PURCELL: So you can have as many as firearms as you want, as long as you have a game licence?

John CAHILL: There is no limit on a category A licence.

Georgie PURCELL: The limit does not exist, okay. My final question is in relation to whether those guns are being used for game hunting. Around 9 per cent of quail shooters and 50 per cent of deer shooters are active hunters, so that is a pretty large percentage of non-active hunters in that percentage. Is anything done to follow up on those? You have obviously told me about years one and five; is anything else being done to follow up the reasons why people are taking out these licences and not using them for hunting? I mean, that is 91 per cent of quail shooters not actually using it.

John CAHILL: I think generally we see probably a life cycle of a lot of shooters. There are probably very active years, and like everyone, lives change and their ability to access their interest can vary. We do see that as people perhaps get on a bit, their participation levels do change. There are specific operations that are done to speak to older licence-holders, but I am speaking more perhaps of age then rather than year in, year out, and that relates to estate planning.

Georgie PURCELL: Okay, yes. Thanks so much.

The CHAIR: Thank you, Ms Purcell. Ms Watt.

Sheena WATT: I am the lucky last. Thank you both, Superintendent Thomas and Inspector Cahill. I have got questions about the particular types of firearms that are used for hunters. Who actually determines eligibility for those particular firearms, when it comes to category A use?

John CAHILL: That is LRD's remit.

Sheena WATT: Sorry?

John CAHILL: That is LRD's remit, to categorise firearms.

Sheena WATT: Okay, and they are within the Vic police?

John CAHILL: That is my work unit.

Sheena WATT: Right, I have got you on that one. So we heard earlier from the GMA that there is a particular firearm that is used right now that creates potential environmental damage. It ejects a sort of plastic shell-holder, wad thing that is yet to be understood by me, but I understand that it litters a lot of the landscape. What are the considerations that go into place with determining appropriate and eligible firearms for hunting use? And do environmental considerations form part of that?

John CAHILL: No, is the short answer to that.

Sheena WATT: No, okay. Good. Because this new one, I understand, is causing some –

John CAHILL: I do not understand what is meant by 'new' there. All shotguns have a wad.

Sheena WATT: The wad is being kicked out and ejected and then unable to be retrieved by the hunters, and is left, as has been reported, on the wetlands.

John CAHILL: Yes. From the Victoria Police responsibility, where a firearm is used in that context is not what we are thinking, it is the appropriateness of the firearm for the category of use. So there is a consideration there, if you are talking about, essentially, rubbish.

Sheena WATT: Yes. This firearm causes rubbish; there are alternatives that do not cause rubbish.

John CAHILL: Okay.

Sheena WATT: How can that be included in the determination of eligible firearms? And that would be a decision of?

John CAHILL: I am not aware of it. That is probably a conversation that needs to occur between us and the GMA, perhaps.

Sheena WATT: Okay. I am very happy to note that. So this is new to you at LRD?

John CAHILL: Shotguns ejecting a wad as part of them firing is not new, unless there is something –

Sheena WATT: But these ones are ejected for distances and leave waste. It is plastic. It is being –

John CAHILL: Yes, that is my understanding – for many, many years. It is not new.

Sheena WATT: Okay. I understand that there are new ones that are more environmentally sound. So I just wanted to know if that –

John CAHILL: It could be that there are.

Sheena WATT: Perhaps there is an opportunity for Vic Police to discuss with GMA more environmentally appropriate options.

Sussan THOMAS: Yes, I think it probably is more a question for GMA to work with potential stakeholders.

Sheena WATT: Okay. So you would consider advice from the GMA on appropriate –

John CAHILL: Very often.

Sussan THOMAS: It is an environmental area as well. So there are other agencies that absolutely –

Sheena WATT: Okay. So you are able to accept advice on –

John CAHILL: What I am wondering there is: is there a new wad that is effectively green?

Sheena WATT: Yes, there is. That is what we heard earlier today. It is –

Jeff BOURMAN: Biodegradable.

Sheena WATT: biodegradable. That is the term. Thank you, Mr Bourman.

John CAHILL: Okay. That makes sense. And look, that would be kind of in line with what happened a number of years ago with the toxic shot legislation that was changed within either the GMA Act or the *Wildlife Act*, I forget which. It is not in the *Firearms Act*, but it would be quite similar.

Sheena WATT: Okay. And that could be applicable for both private land use and public land use then, I assume?

John CAHILL: Potentially, yes.

Sheena WATT: Okay. There we go – environmental shotguns. That is what I am very happy that we have explored today. The other one is about the gun licence renewal requirements. Is there any periodic reskilling or any skill requirement needed as you seek to renew your gun licence after that period?

John CAHILL: No.

Sheena WATT: No. Has Victoria Police made any recommendations to include reskilling requirements?

John CAHILL: No.

Sheena WATT: No? Okay. And with the provisional licences for the under-18-year-olds, what are the requirements there with respect to shotgun skills?

John CAHILL: It is the probity requirements, the ID proof, the firearm safety course. They are all the same.

Sheena WATT: So the firearm safety course is the same?

John CAHILL: The same – same for a junior.

Sheena WATT: Same for a junior. Okay. And when that junior then goes for a full licence, are they expected to resit that particular course?

John CAHILL: That is a good question. I will take that on notice. I think they do until they turn 18. In that 18th year their licence remains in force until they apply for a full licence. I would have to take that on notice – whether they do the safety course again.

Sheena WATT: Yes, I am interested to know that one. Thank you. I think that might be about it for me. I will leave it there. But thank you very much for your time today. I appreciate it.

The CHAIR: One last one from me: is there a blood alcohol content requirement for hunters?

John CAHILL: Not a blood alcohol content, but –

Sheena WATT: Is there any testing?

John CAHILL: Pardon?

The CHAIR: Like, under the rules, do they –

John CAHILL: Yes, no alcohol.

The CHAIR: So you are not allowed to have alcohol.

John CAHILL: But there is not blood alcohol testing, so it is more that subjective test of a police officer in terms of intoxication.

The CHAIR: Right. So it is not like an RBT for the wetlands?

John CAHILL: Correct.

The CHAIR: Okay. That is all.

Jeff BOURMAN: A booze boat.

The CHAIR: A booze boat. We have heard a lot about boats during this inquiry as well as ducks and a whole lot of other things. Thank you so much, Superintendent and Inspector, for joining us today and answering our questions. You will be provided with a draft of the transcript of today to review before it is published on our website.

And with that, this inquiry's public hearings are adjourned.

Committee adjourned.