

## Wildlife Act Review

### Issues Paper questions – Response 9:

Contributor: Individual

#### Primary interests:

- Traditional owner cultural values and use of wildlife
- Research relating to wildlife
- Protections for marine mammals
- Protection and conservation of wildlife and habitat
- Eco-tourism involving wildlife
- Hunting of wildlife
- Wildlife welfare
- Rehabilitation of sick, injured and orphaned wildlife
- Management and control of wildlife causing problems or damage
- Private and/or commercial keeping, breeding, trading, displaying and/or processing of wildlife or wildlife products

#### Question responses

##### **1.1.1 In what ways does the Act succeed or fail in representing contemporary expectations for, and values relating to, wildlife in Victoria? Please provide examples from your own experience.**

The Act needs to increase protections for wildlife and wildlife habitat by providing new tools such as “wildlife protection zones” and “wildlife protection orders” and by upgrading to legislation the current regulation that a person is “not to damage, disturb or destroy any wildlife habitat”.

##### **1.1.2 Are there conflicts between the interests or expectations of different stakeholders or community members regarding wildlife in Victoria? Please provide examples from your own experience.**

Yes. Protections for exotic invasive species like deer need to be removed. A Senate enquiry has called on all states to register deer as a pest species – it’s definitely time to unprotect the estimated 1 million deer stomping and chomping across Victoria. Native timber harvesting operations should not be exempted from damaging, disturbing or destroying wildlife habitat for profit. All native wildlife should be defined and protected as native wildlife, including our native ducks and quails, currently open for recreational hunting

##### **1.1.3 How can the Act balance the diverse interests of Victorians in protecting, conserving, managing and using wildlife? How might such competing interests be better reconciled in legislation? Are there examples from other sectors or other jurisdictions (both in Australia and internationally) that may be useful?**

Protections for exotic invasive species like deer need to be removed. A Senate inquiry has called on all states to register deer as a pest species – it’s definitely time to unprotect the estimated 1 million deer stomping and chomping across Victoria. An independent statutory regulator should be established to enforce the Act, along with a dramatic increase in penalties, including prison. The Act needs to increase protections for wildlife and wildlife habitat by providing new tools such as “wildlife protection zones” and “wildlife protection orders” and by upgrading to legislation the current regulation that a person is “not to damage, disturb or destroy any wildlife habitat”.

**1.2.1 Are the current purposes of the Act satisfactory? If not, what should the desired outcomes, objectives or purposes of the Act be? How should the objectives and purposes of the Act relate to the desired outcomes? How would they ensure desired outcomes are achieved?**

The Authority to Control Wildlife System needs to be reformed so that clear principles are followed and so that there is far greater transparency, monitoring and enforcement, which actually protects native wildlife, not just regulating killing. An independent statutory regulator should be established to enforce the Act, along with a dramatic increase in penalties, including prison. The idea of a “general duty of care” should be supported – a duty to “avoid harm” to wildlife could help to minimise incidences of wildlife being treated as collateral damage.

**1.2.2 If objectives and purposes are likely to be competing, how could the tensions be resolved?**

Don't know

**1.2.3 Are there examples of well designed legislation from other jurisdictions (both in Australia and internationally) with clearly stated objectives and purposes that could inform Victorian law?**

Don't know

**1.3.1 Is the Act a barrier to self-determination for Traditional Owners or Aboriginal Victorians? If so, what specific elements give rise to barriers and how might these barriers be reduced or eliminated?**

A reform in the act should include land rights of Aboriginal and Torres strait Islander Australians and the right to cultural practices on their Country.

**1.3.2 Should the Act recognise the cultural significance of Country and wildlife to Traditional Owners and Aboriginal Victorians? Should the Act explicitly recognise the value of Indigenous Ecological Knowledge for the stewardship of Country and the conservation of wildlife?**

Yes. DEFINITELY

**1.3.3 Should the Act prescribe a role for Traditional Owners and Aboriginal Victorians as key partners in decision making about conserving wildlife? What could that role look like?**

An extra panel of several Aboriginal peoples to be part of any consultation process BEFORE environmental decisions are made.

**1.3.4 Should the Act afford additional protection and the ability to return species to country because of their cultural significance?**

Yes

**1.3.5 Does the Act provide appropriate mechanisms for Traditional Owners and Aboriginal Victorians to use wildlife? Should the Act support commercial use of wildlife by Traditional Owners and Aboriginal Victorians?**

The current act does not support traditional owners and it should support Aboriginal cultural uses of wildlife

**1.4.1 Should the Act prescribe a general duty of care related to wildlife conservation or biodiversity protection more broadly? Why or why not? How could it work in practice?**

The idea of a “general duty of care” should be supported – a duty to “avoid harm” to wildlife could help to minimise times when wildlife is being treated as collateral damage.

**1.5.1 Are there any definitions that are unclear or confusing or that cause problems for achieving the outcomes and objectives of the Act?**

The Act needs to increase protections for wildlife and wildlife habitat by providing new tools such as “wildlife protection zones” and “wildlife protection orders” and by upgrading to legislation the current regulation that a person is “not to damage, disturb or destroy any wildlife habitat”.

**1.5.2 Should any additional animal species or taxa (groups of species) be included in the definition of ‘wildlife’ or ‘protected wildlife’? Should any species or taxa be excluded and therefore be exempt from some provisions in the Act?**

All native species should be protected in the Act. Invasive species that cause significant ecosystem damage should be exempt from the Act.

**1.5.3 Should ‘game’ animals be defined as wildlife in the Act or defined some other way or excluded from the Act entirely?**

Game animals should be included in the Act as long as they are native.

**2.1.1 Do you have any comments on the interactions between the Wildlife Act and other legislation?**

Unsure

**2.1.2 Should wildlife, flora and fauna generally be regulated by a more inclusive statute?**

Yes

**2.1.3 Should game management be regulated under its own Act? What are the advantages and disadvantages of such an approach?**

No, game management should have an extra section that is clear for the treatment of wildlife game. This way hunters can go to the relevant section in the Act and easily know how they must be treating wildlife.

**2.2.1 How do regulatory differences between states help or hinder wildlife management? Please provide examples from your own experiences.**

There needs to be better communication between relevant government bodies for better wildlife management

**2.2.2 How can the review of the Act address differences in regulation across land tenure regimes?**

Don't know

**2.3.1 In what ways does the Act succeed or fail in protecting and conserving wildlife habitat? Please provide examples from your own experience.**

Native timber harvesting operations should not be exempted from damaging, disturbing or destroying wildlife habitat. These operations for quick profit put many endangered species at risk such as the Leadbeater's possum. The Act fails to protect native habitat in a lot of ways

**2.3.2 How should the Act provide for the protection and conservation of wildlife habitat?**

Comprehensive wildlife surveys should be given grants and government bodies should listen to these scientists and use their advice for habitat protection.

**2.3.3 Should the Act prescribe duties for landowners about protecting and conserving wildlife and wildlife habitat on their land? What could those duties look like?**

Yes. Landowners should have a responsibility to care for native habitat on their land under the Act. Duties can include weed management, soil protection, etc.

**2.4.1 Do property rights related to wildlife need clarifying? If so, how?**

I believe Aboriginal peoples deserve rights to wildlife property over private land owners. Respectful communication between stakeholders is necessary for such an ideal to be achieved.

**2.4.2 Should private landowners have greater rights to use of wildlife on their property?**

No. They should adhere to a strict code under the Act.

**2.4.3 Should the Act recognise sentience of some wildlife and, if so, what would this achieve? How would this recognition affect the rights and responsibilities of governments, businesses and individuals?**

Yes the Act should recognise sentience of animals. This means all stakeholders will have more responsibility to ensure humane treatment of animals.

**2.4.4 What rights and responsibilities should Traditional Owners and Aboriginal Victorians have related to wildlife?**

They should have the rights to cultural practices and caring for Country, no matter if it is public or private land.

**3.1.1 Should the Act include statements of principle and criteria to guide regulators, duty holders and the public? Why are such principles important? If you do support including principles, what do you think they should be and why?**

Yes there should be a guide to regulate stakeholder interaction with wildlife.

**3.2.1 Should the Act include provisions for consultation with the community on certain issues? What issues should undergo community consultation?**

Yes! Communication with the community about environmental decisions are essential. Participation level of the public will vary with each issue but should still be sought after.

**3.2.2 How can community involvement in decision making under the Act be improved?**

Improved notices on social media of public comments wanted

**3.2.3 Are there currently barriers to private sector actors having meaningful involvement in wildlife management and conservation in Victoria? What are those barriers and what problems do they create for achieving the objectives of the Act? How might any such barriers be removed or minimised?**

Barriers include views of seeing wildlife habitat as simply 'your own land to do with what you please'. Changing views is tricky, but maybe creating meaningful connections with the land throughout indigenous engagement with the landowners could solve this?

**3.3.1 Should the Act enable wildlife management plans? What provisions should be included for such plans?**

No. These plans will change with time as ecosystems change so having a set-in-stone plan in the Act makes it hard to change. However, management plans should be included in legislation.

**3.4.1 Should the Act simplify and clarify the provisions relating to the various licences, permits and authorities? Is there scope to reduce regulatory burden without undermining the intended outcomes of the Act?**

Don't know

**3.5.1 Is the Act transparent about who pays for regulatory services?**

No

**3.5.2 Is full cost recovery appropriate, or should fees for some licences and activities be subsidised? What role is there for user pays or beneficiary pays principles? What, if any changes, should be made and why?**

Environmental management should be subsidised

**3.6.1 Should the Act contain provisions that allow for issuing mandatory codes of practice, standards or guidelines?**

Yes

**3.6.2 What activities could most benefit from the development of mandatory codes or standards?**

Less animal cruelty

**4.1.1 Does the Act require an adequate degree of transparency about, and accountability for, decision making on matters relating to wildlife? If not, how could this be improved? For example, which activities/decisions/criteria should be more transparent? Which parties should be more accountable and for what?**

Yes better transparency is needed. The Authority to Control Wildlife System needs to be reformed so that clear principles are followed and so that there is far greater transparency, monitoring and enforcement, which actually protects native wildlife, not just regulating killing.

**4.2.1 Should the Act include provisions that require and enable establishment of a scientific advisory committee or advisory panels to provide expert guidance to key decision makers such as the Minister, the Secretary or the regulator on specific matters relating to wildlife? Why or why not? What other approaches are available?**

Yes! Absolutely. An independent committee of scientists that can provide the research should be a key stakeholder in environmental management decisions.

**5.1.1 Should the Act include other offences?**

There need to be harsher punishments for those who breach the Act and harm wildlife. Possible jail time and harsher fines could be included.

**5.1.2 Should any offences be repealed?**

Don't know

**5.2.1 Are the maximum penalties in the Act adequate to punish and deter offenders? If not, what should they be?**

Current penalties are not adequate as people can easily be repeat offenders. Prison is a possible punishment to deter offenders (with the scale of crime large enough as to be determined by a jury).

**5.3.1 Should the Act contain general provisions creating continuing offences and allowing for additional penalties?**

Yes, repeat offenders should be given harsher penalties

**5.4.1 Should the Act contain provisions to permit community impact statements relating to the harm caused to wildlife?**

Yes!

**5.4.2 Should the Act contain specific provisions to guide sentencing of offenders convicted under the Act?**

Yes

**5.5.1 Should the Act contain civil penalty provisions? If so, what penalties should be included? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?**

Maybe?

**5.5.2 Should the Act allow for infringement notices for minor offences? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?**

Yes.

**5.5.3 Should the Act contain provisions enabling regulators to enter into enforceable undertakings? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?**

Unsure

**5.5.4 Should the Act contain provisions allowing for compensation orders or mandated bonds/financial assurances? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?**

Unsure

**5.5.5 Should the Act contain provisions allowing for the making of costs orders? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?**

Unsure

**5.5.6 Should the Act contain provisions allowing for the making of a monetary penalty order? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?**

Unsure

**5.5.7 Should the Act contain specific provisions to allow for the forfeiture of property used in the commission of an offence under the Act? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?**

Unsure

**5.5.8 Does the Act contain adequate regulatory tools, sanctions and remedies to punish and deter wildlife crime? If not, what additional tools, sanctions and remedies should be included within the Act?**

Don't know

**5.6.1 Does the Act contain the necessary powers and provisions to enable authorised officers to enforce the Act? What powers and provisions should be available to authorised officers? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?**

Unsure

**5.7.1 Does the Act provide appropriate provisions for the review and appeal of decisions?**

Unsure

**5.8.1 Should the Act provide for third-party civil enforcement under the Act? How might this make a difference in achieving the intended outcomes of the Act?**

Maybe

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