

Wildlife Act Submission

Key ways to improve this legislation

(1) More robust penalty regime

The current low levels of penalties undermine the objectives of the Act. Significant increases to the penalty regime are warranted as:

- Contributing to population decline increases the likelihood of extinctions, this is irreversible, and hence warrants a substantial criminal penalty
- actions often generate significant profits, and are often repeated, if the penalty is less than profit there is no real disincentive. Financial penalties can be offset by previous profits from undiscovered noncompliance. Penalties need to be punitive. It needs to be clear to the courts that significant punitive and where appropriate, criminal penalties should apply.
- Penalties should also be restorative, for example if habitat is destroyed for development, it should be remediated. Not in another place, but in the place it was destroyed. If that means a subsequent asset has to be removed, there should be no question that this must occur. Otherwise destruction is incentivised.
- many actions involve direct or indirect death of animals, as sentient species that suffer pain this is not simply a loss of a natural asset. Although animal welfare is explicitly outside the scope of this act, it should be recognised when harm impacts in this way. This is specific to wildlife protection. For example loss of a habitat kills a range of animals, from insects to peak charismatic species. This kind of negative action is not comprehended in welfare acts but should be in wildlife legislation.
- Yes the act should recognise sentience and also the ability to experience harm/pain. This is a community expectation to consider these impacts.
- Require to publicly report all noncompliance, including those with little or no-penalty, including reporting the non-compliance, date, person and company responsible

(2) Transparency

Best practice legislation provides for transparency on the function, actions and outcomes of the operation of the legislation. There should be a requirement to collect data and report it. If you don't measure it you can't manage it. There should be an explicit legislative requirement to monitor and report annually on key indicators. The report should be tabled in parliament and be required to cover specific data

- Funds spent on monitoring, reporting, compliance, and on-ground actions in all key ecosystems
- Report on all compliance actions and their outcomes
- Report on the status of wildlife over time, over the state, and as relative to its status (declining/endangered/ stable etc)
- Report on what's not known (that needs to be) and what will be done about it and by when.

(3) Third party enforcement

It is important to give the community the ability to be involved. Unlike other areas of law there are limited opportunities for the community to take direct action where they see harm occurring. Third party rights are a range of acts to cover these circumstances. This is an important provision to ensure that community expectations are met in the enforcement of legislation.

(4) Clear reported objectives

The legislation should set targets for wildlife protection by set dates. What is going to be achieved by when. Targets should be set and monitored with community representation. Report on progress against targets.

- If we cant set targets that's an issue- we should know enough to be able to
- Targets should be clear, real and set by the community, and reported.

(5) Require Community participation

Best practice when dealing with contentious matters is to involve the community in decision making. WA and SA have some excellent examples where a broad range of community members were provided with the necessary information to make key decisions. In the 1990s-2000s the SA State government set targets across all major areas of government endeavour. The targets were set by the community in large facilitated workshops that involved the diverse population.

This is particularly useful where decisions are contentious. A recent well known example is the decision on abortion reform in Ireland, where community participation in decision making was key to a resolving an issue long held to be too controversial for government.

Do decisions involve the full range of community diversity- age, cultural, gender, educational, etc? Expert views are critical, however social licence to operate is important. The Irish example shows that a diversity of people when given information have the capacity to take on and make difficult decisions and in doing so bring the community with them.

Enshrine this in the legislation- where you feel the decision is difficult.