

## Wildlife Act Review

### Issues Paper questions – Response 27:

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#### Primary interests:

- Protection and conservation of wildlife and habitat

#### 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.**

I believe the act should be about protecting native wildlife. To scientifically ensure native wildlife is prospering and diversity is maintained at optimum levels. That the legislation is clear, the government of it is clear and unbiased and failure to comply can be prosecuted effectively. The existing law is more about killing animals than the conservation of native wildlife. One example is the punitive charges for the person found guilty of killing many wedge tail eagles in Gippsland.

##### **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, I believe there are huge conflicts of interest. In Nillumbik where conservation is mixed with small scale farming practices there are many times when ACTW's may be issued for "farming" purposes. Because these are issued without any checking or community consultation it causes community division. Similarly the "harvesting" program is very stressful for residents as it can happen on small blocks with no community consultation. There has to be a joined up system for wildlife - meaning all of these.

##### **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?**

I do not agree with the idea of "using wildlife". Wildlife are an intrinsic part of an eco system that sustains all life forms - that's pretty useful. If they have to be managed and considered as useful we need to design a system that allocates them a value to them and they need to be monitored extremely carefully. At the moment I see no transparency on how DEWLP monitor species, habitat and sustainability goals. Then to add the harvesting program to the Jobs department is asking for lack of coordination for kangaroos. Fuel reduction burns also need to be part of this - and their impact on wildlife. This does not happen at the moment - it should not be reliant on computer modelling.

##### **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 Act should include the obligation of the government to consider expert advice on administration of the objectives of the Act. It should also consider using citizen SCIENCE (not individuals saying they have a plaque of kangaroos). It should ensure that populations of native wildlife have sufficient population size, diversity and suitable habitat to maintain or improve the capacity of species to

persist and evolve in the wild. The Act should ensure adequate monitoring of native wildlife populations and habitats, particularly those of threatened species, species likely to be in decline, and species subject to a control authorisation.

**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?**

The Act should guarantee the protection of species of cultural significance to Traditional Owners. The ability to declare any native wildlife species as “unprotected” should be removed.

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

Yes, I believe there may be conflict with the State DEWLP consultation paper Planning for Melbourne's Green Wedges and Agricultural land - May 2020. The thrust of this consultation paper appears to give farming the highest priority within green wedges and the ability to over ride other aspects of environmental regulation. This could be at the detriment to improved regulations for wildlife protection. As stated economic and environmental decisions need to be made in a single place. There are also the FFG Act – for habitat protection. POCTA – anyone specified under the Wildlife Act is EXEMPT FROM POCTA? Aboriginal Heritage Act – connection to Country. The harvesting program is a travesty and needs to be part of this act and controlled by the same area of government.

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

An independent statutory regulator should be established to enforce, monitor and report on the administration of the Act, monitor decision making processes and report on outcomes, as well as increase in penalties. This would be a single area to coordinate the protection of wildlife across all other departments.

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

I don't think landowners should have any rights over native wildlife - except to protect them and maintain habitat. They should remain property of the Crown. However there needs to be clear responsibilities of govt and authorities wrt ‘managed wildlife’ akin to a Public trust. If govt has authority re wildlife, they have obligations to ensure wildlife are protected and conserved. I already watch many dogs chasing and sometimes attacking wildlife on private property - so I don't think it's safe to make individuals responsible for wildlife.

**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?**

Why would it not recognise sentience of all animals - it's proven? It would achieve greater respect for wildlife and their management and it should be managed accordingly. Recognising animals form bonds, feel fear and pain, etc would make a big difference to how wildlife is treated. For example - allowing animals to be hunted by dogs or vehicles should not be allowed due to the high level of trauma imposed on the animal. Their physical and emotional needs should be considered by governments, businesses and individuals for any decisions.

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

Any proposed culls should be transparent to the public - ACTW should also have community consultation.

**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?**

The Authority to Control Wildlife system needs to be reformed so that clear principles are followed, threatened species are properly considered, and so that there is far greater transparency and monitoring. Currently permits are issued to kill threatened species incl Broilgas, Grey-headed Flying Foxes, Magpie Geese, Broad-shelled Turtle, Murray River Turtle. Any killing should be regulated by a better process and be based on strict criteria, which are transparent and reported to the public. Each application should be open for public submissions, advertised in a way that reaches relevant people eg local community.

**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 an independent statutory authority for the management of wildlife eg Biodiversity Commission; Environment Commission that has responsibilities for policy, decision making, compliance and enforcement.

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

No, they are currently almost non-existent; complete failure. We need major reform. it should include civil penalties (not just criminal), enforcement orders and be guided by environmental sustainability. There should be significantly increased penalties (the man who killed all the Wedge-tailed Eagles was fined less than \$6 per eagle). we can get no action at all for the owner of the Heritage Golf Course allowing kangaroos to be killed on his property.

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

Recent cases of wildlife destruction - the clearing of the kola habitat down near Geelong, the Wedge Tail Eagles in Gippsland and kangaroos at the Heritage golf course suggest that perpetrators are not worried about prosecution. Whether that is because they are confident they wont be caught or don't care about the penalties if they are - suggests that whole process needs to be improved.

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

Yes, absolutely. Neighbours can be devastated and traumatised but shots wizzing around their properties or finding dead/mutilated animals. There is a current case with Nillumbik Council where neighbours are scared to leave their house because of shooting.

**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?**

Replacing habitat that is taken out illegally - fines alone are not enough.

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

I believe the only appeal process for ACTW only has VCAT as the appeal process - which is time consuming and costly (and may not even be possible as there is no community consultation).

**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?**

Yes

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