



Yarra Climate Action Now
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23rd June, 2021

To whom it may concern,

Re: YCAN submission to the Independent Review of Victoria's Wildlife Act 1975

Yarra Climate Action Now (YCAN) is a community climate action group based in inner-city Melbourne, with a membership of more than 1000 people concerned about climate change and sustainability. Our members live, work or study within the City of Yarra. YCAN is our way to take action into our hands; we think globally but act locally.

YCAN supports the Independent Review of the Wildlife Act 1975. The legislation is outdated, inadequate and is failing our wildlife in its current form. The review is overdue and necessary to improve protections for our native animals.

The Act should be brought up to current standards by reflecting an evidence/science based approach to managing wildlife, acknowledging that our native animals often live in threatened environments and that habitat destruction must also be arrested.

YCAN is concerned by the pressures on native animal species, and believe these are inadequately identified and/or defined within the Act. An increasingly significant threat is that of climate change. The impacts of climate change are increasing sea and land temperatures in Australia. Climate research indicates significant ecosystems and biodiversity impacts from droughts, coastal inundation, bushfires, floods and extreme rainfall events¹

Native wildlife is further impacted by urban expansion, deforestation, feral animals and hunting.

Our capacity to effectively respond to climate change is dependent on intact forests and waterways, that support thriving ecosystems of plants and animals.

The Wildlife Act does not reference the unique and interdependent relationships between native species and their habitat. This includes the role that some species play as important 'ecosystem engineers'² in the nutrient cycle and also in aiding sequestration of carbon. Small native animals such as bandicoots and rodents move soil as they forage. Lyrebirds can move up to 200 tonnes of soil per hectare per year during food foraging, aiding the development of nutrient rich soils³. The unfortunate reality is that many small native species such as bettongs have been lost or

¹ https://www.ces.vic.gov.au/sites/default/files/SoE2018ScientificAssessment_CC.pdf

² <https://theconversation.com/losing-australias-diggers-is-hurting-our-ecosystems-18590>

³ <https://serc.carleton.edu/vignettes/collection/35385.html>

significantly reduced in range due to predation by exotic predators and lack of protections or management plans.⁴

Wombats play an important role in the health of native forest by burrowing through very hard soils, increasing water infiltration, spreading mycorrhizal fungi and improving soil nutrient load.⁵ However up until 2018 wombats were unprotected in Victoria, under the Wildlife Act. It took public condemnation of a wombat hunting tour for overseas visitors to initiate action from the environment minister to remove the unprotection order.⁶

YCAN is concerned by the potential loss of species that are dependent on specific, at risk ecosystems. The Strzelecki koala population is identified as genetically diverse and important to the future of Australian koala diversity and species viability. However the long term survival of the animal is at risk due to logging, fires and climate change.⁷

The Mountain pygmy possum is a species that requires specific habitat conditions for hibernation and its food source, the bogong moth. Fragmented habitat in alpine areas is a major risk factor for the possums' future. However the greatest ongoing threat is climate change.⁸

YCAN raises the following concerns regarding various sections of the Act:

1. Section 1A The purpose of the Act: YCAN identifies a conflict in the terminology used to describe the purpose of the act. The description of 'Sustainable use of, and access to wildlife' presents as a contradiction of 'Protection,' 'conservation' and 'prevention of extinction' purposes. YCAN is concerned by the conflicting intention of the Act and that wildlife is identified as an exploitable resource.
Proposed reform: Review and changes to the Purpose to modernise the intention and remove conflicting terminology.
2. Section 3- The definition of wildlife, as including 'all kinds of deer.' Currently the Act protects destructive exotic species identified as game animals, despite the impacts of these animals in causing erosion to native habitat, and destruction of native vegetation.
Proposed reform: Removal of deer from the Act and registration as a pest species.
3. The Act fails to protect wildlife and inadequately prosecutes any breaches: Section 28A. Authority to control wildlife (ACTW): Over the past 10 years permits have been issued to 'control' approximately 100 species including wombats, black swans, satin bowerbirds, Australian fur seals. Of concern is that permits have been issued to control threatened species such as broilgas, Murray river turtles and grey headed flying foxes. In 2019 185,286 animals were authorised to be destroyed or harmed under ACTWs.⁹ The Act is failing native species through the authorisation of plans that cause harm.

⁴ https://www.environment.vic.gov.au/_data/assets/pdf_file/0020/32366/Plains-Mouse-Pseudomys-australis.pdf

⁵ <https://theconversation.com/losing-australias-diggers-is-hurting-our-ecosystems-18590>

⁶ https://www.envirojustice.org.au/wp-content/uploads/2021/01/EJA_HSI_Failing_our_wildlife-3.pdf

⁷ https://www.foe.org.au/strzelecki_koala_uncertain_future

⁸ <https://theconversation.com/australian-endangered-species-mountain-pygmy-possum-13149>

⁹ <https://vnpa.org.au/wildlife-act-review/>

Proposed reform: If ACTWs must exist, reforms are required to ensure threatened species cannot be considered under this Authority; that there is transparency in decision making in issuing the Authority ; that there is greater understanding and data collection of species information which will inform decision making and development of strict criteria regarding the Authority; that there will ongoing monitoring of the system. Other non- harmful interventions should be enacted in the first instance and ACTWs should be an intervention of last resort.

4. Insufficient penalties in the illegal killing of protected wildlife. The deliberate killing of 406 protected wedge tailed eagles between 2016-18 resulted in a fine to a farm worker of approximately \$6.15 per eagle and a sentence of 14 days in prison.¹⁰ Thus the Act is complicit in enabling harm to native wildlife by failures in its legal framework to enforces penalties that reflects the severity of the actions.

Proposed reform: Updates to the Act to present a legal framework that is effective and appropriately enforced.

5. Section 7A- Identifies that protected wildlife can be declared unprotected in an area in Victoria. This decision had included wombats up until 2018, and currently includes dingoes, brushtail possums, sulphur crested cockatoos and long-billed corellas.

Proposed reform: YCAN proposes that ‘unprotection’ status (that can be applied to a species) should be removed from the Wildlife Act.

Other suggested outcomes/improvements to the Act:

- Renaming of the Wildlife Act 1975 to the Native Wildlife Act, which provides adequate protection to all native fauna.
- Acknowledgement in the Act of the impacts of climate change on native wildlife and habitat.
- Acknowledgement of the interdependence of native animals and ecosystems, referencing their importance in the survival of animal and plant species.
- Data informs the Act regarding specific wildlife populations, animal numbers required to support viable populations and the Act’s role in preventing further losses and actions to increase species numbers/viability.
- Introduction of an independent statutory regulator to transparently administer the Act and enforce its provisions, report on outcomes and oversee the area of penalties.
- A duck hunting ban, given the decline in waterbird numbers. The risk of endangered duck species being killed is very high. This is demonstrated by incorrect identification of game ducks and non-game ducks at a low and concerning level amongst hunters, with only 20% of 1821 respondents successfully identifying game ducks.¹¹

¹⁰ https://www.envirojustice.org.au/wp-content/uploads/2021/01/EJA_HSI_Failing_our_wildlife-3.pdf

¹¹ https://www.gma.vic.gov.au/_data/assets/pdf_file/0007/614194/GMA-Hunters-Knowledge-Survey-Report.pdf

- The Act should be updated to guarantee the protection of culturally significant species to Traditional Owners.

Thank you for the opportunity to provide a submission to the Independent Review of Victoria's Wildlife Act 1975.

On behalf of YCAN

Lisa Magnusson

