

Wildlife Act Review

Issues Paper questions – Response 21:

Contributor: Individual

Primary interests:

- Protection and conservation of wildlife and habitat
- Rehabilitation of sick, injured and orphaned wildlife
- Wildlife welfare

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 fails in expectations for values to wildlife in this state on its purposes being

(a) to establish procedures in order to promote—

(i) the protection and conservation of wildlife; this principle has failed with more than 1.7 million wildlife being permitted for destruction in the last 10 years under the ATCW system alone, not counting wildlife killed by hunting, from illegal behaviour, habitat destruction, or wildlife collisions,

(ii) the prevention of taxa of wildlife from becoming extinct; is a failure with the increasing fauna that is added to the threatened species list and growing number of species without an action plan, but even more important than that is the failure to recover one threatened species and sorry dumping the Eastern barred bandicoot on Churchill island is not a success but rather a looming ecological disaster.

(iii) the sustainable use of and access to wildlife; is a failure with the creation of the kangaroo harvest program with population numbers of kangaroos in Victoria already being greatly inflated.

(b) to prohibit and regulate the conduct of persons engaged in activities concerning or

related to wildlife and also a failure with the ability to monitor people conducting ATCW permits in real time due to the threat of personal safety to authorities.

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.

The duck hunting season is a good example of this, those who are concerned about the first two principles of the act are considered inferior to those who often conduct illegal activities under the act whether shooting a threatened species by accident or deliberately.

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?

The act should be carrying out the core principles of the act and not the interests of Victorians, particularly those of a small minority (being hunters) which the act currently does

1.2.1 Are the current purposes of the Act satisfactory? What should the 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 current purposes of the act are satisfactory, but more mechanisms are needed within the act to achieve (i) the protection and conservation of wildlife and

(ii) the prevention of taxa of wildlife from becoming extinct.

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

I don't believe that there are any purposes or objectives that are competing rather the way purpose

1 (iii) the sustainable use of and access to wildlife is applied and the kangaroo harvest program is a great example of this with only taking one survey method option of aerial surveys for most of the state which couldn't come close to identifying correct numbers which is compensated for an estimation.

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?

Yes, the act should prescribe a general duty of care related to wildlife conservation or biodiversity protection more broadly as besides for threatened species the act currently fails to provide any such protection. It could be achieved by adding mechanisms to address/take action of the listed key threatening process in the FFG Act 1988.

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 fauna endemic to Australia or migrates to Australia should be afforded protection including the common banded nosed wombat and brush-tail possum.

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

All game animals that are endemic to Australia should be defined as wildlife, game like deer species should not.

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

It is my general understanding that the wildlife act is superseded by all other acts in Victoria and within the Planning and Environment act there is no mention of wildlife at all which is an oversight as wildlife is commonly affected by all planning decision made under this act to remove vegetation. If lucky wildlife is only protected under the provisions of biodiversity.

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

Fauna should be regulated in a more inclusive statute as it is least protected.

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

Game should remain under wildlife act unless it is not indigenous fauna.

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.

The act fails in not providing land managers direction in upholding threatened species action statements in their management plans against less important competing management issues. An example of this is Parks Victoria placing the needs of recreational fishing above that of the action statements for the threatened blue billed duck and white bellied sea-eagle not to mention all other wildlife at the Devilbend Nature Conservation Reserve on the Mornington Peninsula.

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

The act needs to put measures to observe for evidence of wildlife or wildlife signs before consenting to the removal of vegetation for a planning permit.

Also, the three step approach to clearing must be revised to include consideration of fauna in removing vegetation.

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, the act should cater for landowners to protect and conserve wildlife and wildlife habitat and this could be achieved through 173 agreements between landowners and local government.

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

No, as all fauna is protected by the state and to increase land owners rights would bring this basic understanding into question and could impact permits required for wildlife protection.

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?

It is an ethical question that should be undertaken, that needs considerable research and compassionate conservation while I do not agree with all its points is a good starting point in consideration of this question.

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

I pay my respect to the traditional people of this land both past and present and as such we leave them to discuss their rights to wildlife.

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

Provisions should be made for community consultation and the issues most important are Wildlife management plans, commercial use of wildlife and care and rescue of wildlife.

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

Being given appropriate time to respond to reviews such as this.

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?

Yes, there are barriers to meaningful involvement for wildlife management and conservation in Victoria with facilities in National Parks left to fall in to disrepair because tenders are put out for the private sector.

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

The wildlife act should enable wildlife management plans especially in regard to action statements and where developers have been given permission to clear habitat of threatened species particularly in the growing northern suburbs of Melbourne. The benefit of this would see fewer negative incidents between people and wildlife and reduce the services and financial burden on wildlife shelters and rescuers.

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?

No, there is no way of reducing regulatory burden without undermining the intended outcomes of the act.

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

Yes, I believe it is essential that the act contain provisions that allow for issuing mandatory codes of practice, standards, and guidelines.

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

Wildlife rescue and rehabilitation, hunting, breeding, ATCW permits are the areas that could improve from development and improvement of existing codes and standards.

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?

Without a doubt hunting and licence holders of authority to cull wildlife permits require an extremely high degree of transparency and accountability especially given the protection afforded to hunters in this act and the ease of which ATCW permit holders obtain licences and carry out the licences.

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?

I believe there should be a scientific advisory committee or panel given the poor science currently provided to the kangaroo harvest program.

5.1.2 Should any offences be repealed?

Offences relating to protestors on hunting fields, given the on-going maiming and killing of threatened species in our wetlands.

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

No, increase minimum sentences and ban offenders from obtaining licences for a period and provide a course to complete before being given a new licence, instead of the current standard in the act where the minister or officer may reject an application of someone who has a prior conviction under the act.

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

The short answer is yes.

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

Yes, the impact to cruelty on wildlife has an impact on the community and those who witness or treat wildlife injured should have the ability to speak on behalf of the victims who cannot speak up for themselves.

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?

The answer is yes to the above 3 questions, but more time is needed to reflect on what these should be.

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?

The Act should allow provision of making cost orders for the rehabilitation of wildlife that have been deliberately injured orphaned or successfully rehabilitated wildlife that are maimed or killed.

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?

Yes, especially if related to firearms.

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?

There are numerous examples through the media that clearly demonstrate that the act does not deter wildlife crime, some more well-known examples are

The of mass raptor killings in the north of the state and east Gippsland,

Australian fur seal slaughter of Wilson's promontory,

killing of eastern grey kangaroo with body shots in East pastoria in the Macedon ranges and,

the massacre Box Flat at Boort.

It is essential that the acts provisions are increased so that these heinous events never take place again.

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?

For wildlife crime no there are not enough provisions within the act with the reason explained in the previous answer. On the other hand, at times wildlife officers can overuse provisions in the act when dealing with wildlife shelter operators whom often feel intimidated. Obviously, I have not witnessed these events first hand but as former president of the Australian Wildlife Protection Council I have had numerous reports of this not all over Victoria but Australia as well.

Thank you for this opportunity to comment.