

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.

In my personal experience the act still fails to protect wildlife in situ, because regulations and punishment for breaches are not strong enough, not only in terms of protecting individuals, but also more importantly in protecting habitats. For example, logging is still booming in Victorian forests. A more personal example is in regards of the flying foxes. I volunteer in monitoring a local colony of threatened grey-headed flying foxes. As an ecologist and environmental educator, I have engaged in developing, promoting and delivering several educational activities to enlighten the locals about the bats importance. As expected we cannot convince everyone to leave them alone, and even 7 years on after our first initiatives I still witness people nearby the colony banging on pots during heat stress days to scare away the bats. While such events are not that common in our local colony, they seem much more frequent on other sites. Similar happens with possums, ibises and other urban-adapted animals. As cities expand, with little regards to native habitats and farmlands (well-done agriculture can be a good ally on habitat conservation), we try to offset for "development" impact by "greening" our cities with man-made wetlands and nice trees around housing estates. Those are city-oasis for certain urban-adapted wildlife, but some of the city lovers are not willing to share that space.

Another close to home example is the aggressive expansion of Melbourne SE into the green wedge zones. Massive housing estates being constructed in habitat sensitive areas, including in areas of threatened eastern bandicoots. Mitigation measures seem quite ridiculous and ineffective: residents are not allowed to own cats. Not having predators in this context is great, but what about the complete change in habitat??? *In my local neighbourhood, a green wedge and area fauna/flora of interest, the housing market expansion leaded to people with little regards to wildlife moving in. The result is old trees being cut off in properties, with or without licenses and no regards for the sugar gliders, bandicoots, black cockatoos etc. Possums (brushtails and ringtails) and birds are being found dead (presumed poisoned) throughout properties in more than one occasion in the last couple of years. A fellow neighbour, who has also reported many of those illegal activities, said, at some point council's response was in the lines of "the fines are not high enough to stop them". We cannot preserve species without preserving habitat, it seems a stronger connection with the Flora and Fauna Act is needed.*

Preservation should be the main concern of the Act, and the presence of threatened species should be more restrictive to other activities such as "development".

It is past the time for reviewing the definition of wildlife in the Act. Ecologically speaking native animals of the country should be those that have a history of evolution here. Brumbies and deer may be charismatic and close to our hearts but they as equal pests are rabbits, foxes, cats, pigs, wild dogs and pigeons, and should not be protected. Their impact on real native animals and habitats are well reported in scientific studies. The Act should work together with the Game Act to promote the commercial and recreational hunting (always with respect to animals welfare) of invasive/alien animals instead of native wildlife. The classification of dingoes as native or not would require a more specific approach from specialist ecologists. As while they were actively brought to the country by humans, with the disappearance of

the Australian apex predators, they now may have that important role in certain ecosystems, apart from the long history of introduction and link with aboriginal people. Their protection should not be preferential to other genuinely native species though (i.e. they should be removed/relocated/controlled in areas where they are identified as threat to endangered natives).

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.

Many examples are above.

Being involved in agriculture, I can also say that many farmers are concerned about certain “damaging” wildlife like crows, eagles, dingoes, kangaroos that may prey on livestock, destroy fences, and hence should to be controlled. Loss from predators will always occur and should be expected. This is part of farming risks unless you live in a non-predator country. Predators would not have a larger impact on livestock than worm-caused diseases for example. While it is horrible to see dead livestock, good farm practices (such as protected paddocks for lambing, electric fencing, trees/shrubs for refuge) can decrease predation considerably. My personal experience when engaging with other farmers is that predation by feral/domestic animals is much more of an issue than predation by wildlife. Predation of livestock by wildlife should not be an excuse to relax the protection of Australian native predators. If farmers haven't their paddocks bare their animals would have much more protection from predators...

Urban-adapted wildlife should not be disregarded as well. I understand that resources are restricted and authorities need to focus on animals that are more at risk than magpies or possums. But if there are a need to control for urban wildlife this should be done under specialists' advice/supervision, not giving the breach for people to take it into their own hands.

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 based on scientific evidence, not public emotions. Ecological conservation is a scientific discipline. In a country and an era where so many extinctions are occurring, preserving, and conserving should be ultimate aim, whereas management is also linked well with those. Surely the government should listen to all the aspirations of the different sectors, analyse the feasibility and make science-based resolutions. For example, there is no scientific base for considering deer and brumbies native wildlife, and there is enough evidence of their negative impact on our natural ecosystems. Thus, the act should not protect these species because some people are emotionally connected to them. I personally found recreational hunting disgusting, but if there is a number of Australians interested in it

good regulations should minimize conflicts. Hunting areas and species should be specified based on studies that back up the activity as low impact on the specific populations, and ecosystems. The recreational aspects (use) or individual/smaller community perception (in above examples of conflicts with urban wildlife, or small group of farmers against eagles and kangaroos) should not be priority over conservation.

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?

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

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?

As mentioned above the act should emphasize the primary aim and priorities. If no priorities are set there is a potential for ping-pong battles anytime that conflict of interests arise.

Conservation and use of wildlife are not necessarily contradictory. They can and should work together. Conservation surely should be the main focus and this should be stressed in the act. Then a careful evaluation of common species of potential commercial interest should be done and taxa specific rules should be drawn for sustainable use. For example, in the 2000's, during an economic crisis, the regulations of use of Yellow anaconda skin in Argentina was an important factor for boosting the local economy and while allowing the species survival and protecting from over hunting (resources here: <https://www.peoplenotpoaching.org/project-conservation-and-sustainable-use-yellow-anaconda>). Similar, in Indonesia, the hunting and trade of reticulated pythons have been happening for decades and seemed to be sustainable since Prof Shine's (Macquarie University) study. IUCN specialist group recently reviewed this trade. Their conclusion, despite international worry on the apparent high number of pythons harvested, was that populational trends remains unchanged and no threat was detected. Although, they did detect failures in the system, leading to illegalities and made recommendations for likely more appropriated regulations (<https://portals.iucn.org/library/node/46815>). WWF also works with local communities empowering communities to conserve wildlife. In their website they cite the 1996 Namibia legislation for conserving local wildlife, which gives communities regulated rights for management and sustainable use of wildlife within specific areas. Although I have not accessed the any studies from this example, WWF cites community livelihood improvement as well as increase in populations of several megafauna that are decreasing Africa-wide (<https://www.worldwildlife.org/pages/sustainable-use-of-wildlife>). Thus, with well-planned regulations and management backed up by scientific studies it is possible combine conservation and use of wildlife/natural resources. Even in Australia, there

are systems in place, for example crocodile farming and eco-tourism in the NT, that seem to work quite effectively. I believe the sustainable use, and in particular farming, of kangaroos should also receive more attention. There is no need to say that it would be much more sustainable to harvest and farm kangaroos than the current exotic large herbivores that we farm, especially when most farms are still using farming techniques that are not suitable for our climates and soils.

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?

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?

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?

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

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?

Aboriginal knowledge should always be recognized. There is new innovative research on how aboriginal knowledge can help on conservation ecology issues. A good example comes from the Kimberley region where Dr Georgia Ward-Fear (<https://www.canetoalcoalition.com/working-together>, <https://scienceandtechnologyaustralia.org.au/profile/dr-georgia-ward-fear/>). Aboriginal people should have places as rangers (specific positions) and other conservation related advising positions. Not sure how that could look like.

I am not sure what 'return species to country' refers to. Does that mean re-wilding? Returning species that were extinguished from the continent? If so, yes. I am an advocated on returning species, given that those were native and extinguished by human-related activities. The act should foresee these.

I believe that even aboriginal rights to use wildlife needs to be somewhat regulated. As a matter of fact if their hunting practices are no longer traditional (e.g. using fire guns) and aiming commerce there is a potential for not being sustainable (especially when summed up with non-aboriginal hunting of wildlife). It also opens a door for exploitation by non-aboriginal (i.e. white people doing unfair arrangements to gain access to those resources). This could be well-regulated though. But threatened species should not be allowed to be used in any circumstances. In these cases conservation should be more important than cultural significance.

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?

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

The review paper provides good examples of unclear definitions for the lay public. Having an ecology background I find more easily to understand what those terms refer to, but terms like "disturb" and "interfere" are very relative to scale and subjective (like habitat). Photographing the lizard that is passing by your camp tent is a kind of interference but likely have no significant impact on the individual or, more importantly, population. However, feeding native ducks in the local wetland is a well-known breach of the Act that has much broader implications for the wildlife and ecosystem as whole, and it is an interference that is overlooked in many/most (?) places. Perhaps there should be examples of what is and not included in the definitions, but in the other hand, some activities may be a reasonable interference for certain species/habitats and not for others. As an example, I have recently camped in a State Forest where the use of dirt bikes is allowed. There were so many bikes in the forest that it was very uncomfortable (noise-wise) for us to be there, I can only imagine how much interference that was for the wombats and koalas... But again, human leisure speaks louder than conservation...

Similar problems is posed by the term "habitat", which is very complex and I can see lawyers finding all ways around to justify habitat destruction. We face dilemmas with these terms quite regularly in ecology, and I am not sure how to solve it in regards to legislation. Perhaps it does need regulation of any wildlife intervention and any prescribed management measure proposed needs to be quite specific. The act could foresee and prescribe measures for common situations. For ex. the removal of possums from your roof can be described in the Act as allowed as long animals are safely trapped (i.e. traps that do not hurt) inside the roof, removed and released outside (not 10km away). You have to fix the roof to eliminate the possibility of animal returning, cannot use poison, cannot trap outside the house (as it would be the possums natural habitat), and cannot translocate. Others, such as the need (?) to control eagles in rural areas should foresee the engagement with ecologists or environment dept for the best ways to achieve the control, and such ways must be designed in detail by these advisors, so it does not give breach for interpretations. In this scenario if external advisors are needed the act should foresee who pays the costs.

Game animals, unless natives, should not be of concern of the Act. The act should be restricted to and inclusive of any native living animal, including fishes. This would require articulation with Fisheries regulations, and would not necessarily mean that fishing would become too bureaucratic. The Act could mainly focus in groups of species that are not regulated by Fisheries, while some species of commercial and ecological concerns would also be receiving double protection by both Acts. I believe that including bones, feathers, hides, shells as wildlife seem a little excessive in some cases, but I understand why it is done. If all natives are protected the simply fact of collecting shells in the beach, or killing mozzies and garden snails, could be unlawful – such exceptions must exist. The Act should also regulate permission for people keeping feathers and animals bones, if from captivity origin and that can be proved.

Captivity animals should have a clearer regulation. I don't believe they should be except from regulations, given that any native captive animal, at some point came from the wild, and having traceability is important for control. However "owners" should have more freedom to manage certain aspects of the animals' maintenance, or regulations should be clearer in the Act. At work, we hold eastern grey kangaroos and to avoid massive breeding and inbreeding we need to castrate males. This is done by a qualified and wildlife experienced vet and we were informed by DELWP that it does not require a permit. However, there is a lot of confusion when we enquired about marking the animals to actually identify which ones are castrated or not. A final answer we got was that permits are needed to ear tag, but to reach that was not an easy, and given that marking would be done during castration (i.e. under anaesthesia) a permit seems unnecessary. Nonetheless, there is a need to clearer rules for wildlife captive populations so managers and law enforcers know how to act and advise.

Game animals should be excluded only if they are non-native.

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

Fauna and Flora do not understand state boundaries. I believe Australia would benefit of more holistic approach to wildlife laws.

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.

There is no priority to preservation vs "development". Offsetting has become a rule and it does not guarantee conservation. The urban growth into endangered bandicoot territory in the southeast green wedge of Melbourne is a good example.

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

There should be a priority to preserving over offsetting and restoring. Recognize that landscapes and habitats are interconnected and minimize fragmentation.

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. A large proportion of key species are in private lands and the government alone cannot guarantee preservation without private owners. Private owners should have a duty of improving threatened species survival strategies in their land (like improving habitat, decreasing predation and pests) and facilitating research (e.g. marking and monitoring programs, sampling).

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?

Yes. Activities like possessing taxidermies, skulls, feathers, especially when engaging in educational activities could be exempt from needing a paid licence. A simple registration of the activities, justification of the need of the activity and where the specimens would be originated from should suffice. If a person/institution is suspected

then could be investigated. It is clear that the regulatory bodies are understaffed or the burden of managing licences is too high. For example, the business where I work holds a wildlife licence that was charged the annual fee twice in one year. Despite the business had presented the receipts and all, the situation is still not regularised and there seems to be a lack of registry by the regulator.

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?

While I understand the aims and costs of managing the fees I don't believe that a private (not commercial) license should be charged yearly. It should be a one-off fee per animal. A person who holds a pet native animal is not making any money on it to justify having to pay early for that same animal...

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

Yes. Standards and guidelines, especially in wildlife rescue and care, are essential to maintain a high level of welfare and consistency.

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

Not only animals rescues and shelters but zoos, and private parks too.

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?

Since getting involved in wildlife rescue, I have much more contact with wildlife shelters and can testify the inconsistency in the way they operate. As an Ecologist/Zoologist, sometimes I was astonished by the level of wildlife interference that some wildlife carers work on. Animals that may better be left alone were taken into care. Many times they claim experience and do not take into account the expertise of others. I also wonder if relocations done by wildlife rescuers and releases are indeed successful. As much as we like to see animals being re-habilitated and released, the few studies show that translocations can be quite unsuccessful in certain groups of animals. Perhaps there should be accountability for this. Wildlife shelters should partner with researchers to actually look at the survivorship of released animals. Otherwise, it is public and private money (gained based on emotional grounds) gone to a lost cause. How much these rescues/releases could interfere in the natural selection and population ecology are not known.

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?

In my opinion, absolutely. Conservation is a scientific discipline within Biology and Ecology and therefore should be overseen by specialists. The community should always have a voice, but given the educational system in Australia, not many people

actually learn principles of biology and ecology and decisions cannot be made based on community emotions. There should also be more incentives for educating the lay community in regards to conservation and how it must be done. Education is the prime base of society, and we can't reach conservation without it.

5.1.1 Should the Act include other offences?

“Trespass to wildlife, feeding animals in the wild, taking native wildlife from critical habitats, and disturbing dangerous native animals. A major omission is interfering with or destroying wildlife habitat, which indirectly affects wildlife” – these should be offences. And certain fees absolutely do not reflect the damage. Species and system functioning can be lost forever, what is the price of this? But, capacitating and improving policing is as important as updating fees and offenses.

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

They are clearly not, as people continue to opt to do the wrong thing (e.g. keep chopping protected vegetation because their particular gain is higher than the cost of the fine, or killing eagles instead of adjusting their farm practices, mines keep destroying important habitats). I was never able to put price in wildlife and natural resources, but some specialists can?

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

Yes, the NSW act seems a good example. Additionally I believe in additional penalties for method used to kill wildlife. For ex., poisoning seems worse than shooting with a bullet, as more suffering may be involved and potentially more harmful for non-target species. Shooting with an arrow that does not kill the animal is let it to die from infection and pain...

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

Yes, the examples provided by the Panel are great!

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

Yes, judges are not expected to be specialists in environment causes and have provisions would make sentencing more consistent.

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?

Officers should have the power to enforce the act, like stopping and/or remediating an offence. These powers should not replace prosecution, but if the offender is immediate responsive to the officer that could be taken into account in prosecution. Officers should be trained to recognize when immediate euthanasia is advised and

should be allowed (with guidelines established in the Act, e.g. consensus between at least 2 officers, if in a remote area that specialists are not at close reach) to perform euthanasia of suffering animals.

I read the issues paper to the best of my capacity and time. I believe the panel did a great job.

One issue that I believe should be specific in the Act, perhaps on how to protect wildlife, or duties of landowners is the national prohibition of outdoor cats (perhaps unless the action is prescribed as in helping to manage mice plagues – if it actually does?!), dogs and other predatory animals or recognised pests (rabbits?). Owners should be liable for letting these animals roam. Despite local laws doing a huge effort on controlling roaming cats and dogs, my personal experience (and scientific data too) show very low compliance and owners preferring to believe their animals are an exception and won't harm wildlife.