

Wildlife Act Review

Issues Paper questions – Response 55:

Contributor: Individual – John Harris

Primary interests:

- Protection and conservation of wildlife and habitat
- Wildlife welfare
- Eco-tourism involving wildlife
- Research relating to wildlife
- Other: Ecological consultant primarily undertaking fauna-related work

Question responses

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 including of 'game' species such as deer should not be within this Act. I understand that it is a hang over from when various Acts including the Game Act were incorporated at the time of the Wildlife Act coming into being in 1975. The cultural, political and environmental landscape has changed since the inception of the Act with deer now seen to cause significant environmental damage, all which is detrimental to the native fauna also covered by this Act and native flora and ecosystems. Given that deer have such negative impacts on the environment, with Sambar being listed as a 'threatening process' (Reduction in biodiversity of native vegetation by Sambar (*Cervus unicolor*)) under the FFG Act, it is about time that they and all other deer are moved out of this Act and into the Catchment and Land Protection Act 1994 where they should be dealt with in the same way as declared noxious weeds. After all, a lot of the damage they create is within our water catchment areas.

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

Yes it should be. There is the Game Management Authority that oversees game issues but at the same time set the 'open seasons' for some deer species or hunting methods which is contrary to the ideals of the Wildlife Act to conserve and protect native 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 protection and conservation of wildlife habitat is almost none existent under this legislation, leaving it to the Planning and Environment Act 1987 through its Planning Provisions in local government to at least attempt to preserve habitat though Clause 52.17 and the Guidelines for the Removal, Destruction or Lopping of Native Vegetation (DELWP 2017), a clause designed to limit or apply regulatory guidelines for the removal of native vegetation and the requirement to offset such losses.

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

Yes, in my professional opinion I think there needs to be stronger direction in regards to the preparation of wildlife management plans. It is good to see that some Councils (such as Brimbank)

often incorporate the preparation of a Fauna Conservation Management Plan into projects where native fauna may be impacted by development of any sort. It is my opinion that if the Wildlife Act is to truly protect native wildlife and their habitats, that such management plans should be recommended on small scale projects where impacts are

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

Yes, while many consultants including myself may not be willing to want their IP released, I believe a mandatory code of practice with minimum standards should be implemented where Wildlife Management Authorisation permits are issued. I have heard of many stories from arborists, construction crews etc where native fauna have been almost disregarded during their activities, even with 'wildlife handlers' on-site who are supposed to be there for the health and safety of native fauna.

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

Fauna salvaging / spotter-catcher activities

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

Yes, but not only community impact statements but ecosystem impact statements as well. A case in point would be the recent poisoning of Wedge-tailed Eagles in Gippsland. 406 eagles were poisoned which would have had a huge toll on the ecosystems to which they were the apex predators. Community expectations of what is acceptable behaviour towards native fauna (all animals for that matter) need to be taken into account.

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

Yes, most definitely!! The example above saw the community outraged by the 'slap on the wrist' penalties given to the perpetrator (and his boss) which was \$2500 and 14 days in jail equating to \$6.15 per bird. An aviary bred budgie or roast chicken is worth more than that to buy. Sentencing is supposed to help by acting as a deterrent to others but such an inadequate fine doesn't achieve that. Crimes against wildlife are probably harder for the judiciary to make judgement on as they are not as often brought before the courts, there is often a lack of understanding as to the in-depth nature of consequences to the environment and the animal welfare issues associated with the crime (that is of course, unless the judge has a personal interest). It is not like they are dealing with humans who can give victim statements, show raw emotion in the court etc.

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