

Wildlife Act Review

Issues Paper questions – Response 26:

Contributor: Individual

Primary interests:

- Management and control of wildlife causing problems or damage

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.

The Act needs to properly identify introduced species as opposed to indigenous species. For instance rabbits do not conjure up the same sympathy as Deer or game but all are introduced and cause damage to vegetation and landscape through their presence. Giving these the same status as wombats and echidnas is counterintuitive to the protection of the native wildlife.

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 there are conflicts and the save the brumby campaign highlights this issue. Are brumbies considered native wildlife or an introduced pest? Do the brumbies need targeted culling of the males to reduce reproduction rather than slaughtering thousands of them at once?

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's primary objective should be about conserving native wildlife. If the purpose is based on that rather than all wildlife then it takes out the competing interests.

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 needs to consider the whole of Victoria, just like the Indigenous communities having a particular species to protect in their tribes area, Victoria is a large area and the importance of having all native wildlife present across the different sub regions is not sustainable nor should it be reflected in the legislation. The legislation should address any areas of importance for instance coastal habitat, high country habitat to conserve and enhance for the betterment of the native wildlife that resides there.

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

There needs to be an order of importance, one single focus is that native wildlife can exist in native habitat. Where this wildlife roams and becomes a pest to an area, the landholder should be able to take steps to eradicate or move on the wildlife if its not a normal habitat for the wildlife ie pastoral crops

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?

There could be but I am not aware of it.

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?

No the Act is not a barrier, it doesn't exist in solitude so the rights of Traditional Owners are covered in other Acts which currently allow them to hunt and gather and species as they see fit without being fined.

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?

The Act could have the ability to include Indigenous ecological knowledge on crown land. Landowners could be allowed to consult Elders when they want to address imbalance of wildlife and submit a plan detailing eradication methods

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?

The Act should be careful not to force land owners to having to use Traditional Owners in decision making about their land. It would be appropriate to include Traditional Owners in crown land operations.

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

The practicality of this makes it difficult to imagine this would be possible. Many species use roads and individual land parcels to travel many kilometres. Where the species is endangered it should be considered as an option.

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?

Yes

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?

No it shouldn't prescribe a general duty of care

1.5.1 Are there any definitions that are unclear or confusing or that cause problems for achieving the outcomes and objectives of the Act?

There are some listed above that could have better description

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?

Deer, rabbits, foxes, game birds

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

No game animals should be exempt from the Act and its surprising this isn't already the case

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

No

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

There is federal legislation that already addresses native wildlife, flora and fauna and the state legislation should run complementary to that not in competition so any change should consider that legislation

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

No game management doesn't need to be regulated under its own Act. An Act is there to regulate the state government's ownership of that particular subject and make it clear what the population needs to do when interacting on the land owned by the state government. Putting game management under a separate Act might mean that Government will affect individual land owners and their rights in relation to their individual approach to managing game.

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

I don't know

2.2.2 How can the review of the Act address differences in regulation across land tenure regimes?

Perhaps where land tenure is across separate regimes, the proportion is higher in Victoria than that is the regime that takes precedence, however if the proportion is higher in NSW or SA then their legislation takes precedence

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's primary objective is about wildlife ie the animal itself. There are other Acts dealing with conservation and protection of the habitat. We have a first party offset that we manage and it currently has evidence of deer in the conservation area. We will eradicate the deer as we are allowed to control and must actively preserve the habitat. There is also evidence of kangaroo's and this will be monitored based on their destruction of the habitat they may need to be controlled. Currently we would need to apply for a permit for the culling of the kangaroos and this method works well.

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

The Act needs to consider the benefits that the sustainable amount of animals have on habitat. They can keep undergrowth under control and also keep a balance on new shoots emerging. Conservation areas locked up and void of wildlife become over run so its about finding a natural balance

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?

No it would contradict current land management practices.

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?

Currently it is clear to landowners how and when they can apply for licences, permits and who to approach for that. Any changes to this in the Act should be communicated directly to land owners about what is proposed as they would not want current levels permitted to be reduced

3.5.1 Is the Act transparent about who pays for regulatory services?

No

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?

No full cost recovery is not appropriate, how about the government become more efficient at the regulation rather than relying on land owners to suck up the extra cost. How about you automate the service and then it would be super cheap to run.

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

No, this would mean that government could come out at any time and change the intensions of the act through these codes of practice

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 Act has two areas that it affects, Crown land and land owners. Citizens of Victoria should have access and transparency to the decisions made about crown land as they are effectively all owners of it. However land owners need only be accountable to government in the context of their land and shouldn't be subject to opinions of every day citizens

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 but if its truly independent and expert it should be subject to scrutiny of all parties affected, often the government engages independent advice to suit its own narrative either curtailing the terms of reference so that it can get an independent to only consider in very narrow terms

5.1.1 Should the Act include other offences?

No the Act should stay as is, it is very much an interpretation of the Act rather than its enforcement that causes the issues in the first place. If its clear and well understood there are no issues with the Act

5.1.2 Should any offences be repealed?

No

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

Yes but again this would be up to interpretation of the person answering and whether they are able to be reasonable in their judgment of what is enough to deter or punish

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

No

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

No

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

No

5.5.1 Should the Act contain civil penalty provisions? If so, what penalties should be included? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

No

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?

No

5.5.3 Should the Act contain provisions enabling regulators to enter into enforceable undertakings? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

No

5.5.4 Should the Act contain provisions allowing for compensation orders or mandated bonds/financial assurances? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

No, this will add to the cost of a system that is already over run by bureaucrats

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?

No

5.5.6 Should the Act contain provisions allowing for the making of a monetary penalty order? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

No

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?

No

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?

Yes the Act does contain enough sanctions and remedies, wildlife is mostly protected and is not in danger of extinction, there should be more education so that citizens can control each other rather than relying on a policing system via Wildlife Victoria Officers

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?

I don't support authorised officers having any more powers than they currently have, too many chiefs not enough Indians leads to some officers taking the power to their head

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

It would seem it does

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?

No I don't support this

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