



The Goulburn Valley Environment Group Inc.

Po Box 2073 Shepparton Vic 3632

24/6/2021

Re: Independent Review of the Wildlife Act 1975

Thank you for the opportunity to provide input into this significant review of the Wildlife Act.

Goulburn Valley Environment Group (GVEG) is one of the peak environmental groups in northern Victoria and our members have advocated for improved protection and management of the natural environment and native wildlife in the Goulburn Valley and Goulburn-Broken catchment since our formation in 1990. More information about the group and its work can be found here:

<https://gveg-enviro.com/>

General comments

GVEG congratulates the Victorian Government for initiating this important review, noting that the Wildlife Act was enacted more than forty years ago when society values and concerns about the natural environment and native wildlife were very different to today. The recent cases of mass poisoning of Wedge-tailed Eagles in Gippsland and near Violet Town have also highlighted the limitations of the Act, in its current form, to prosecute offenders and impose sufficient penalties to act as a deterrent to other such incidents.

We support many of the reforms outlined in the review which would help modernise and clarify the purpose and functions of the Wildlife Act and its regulations. In particular, we support that the revised Act:

- clarify the primary purpose of the legislation to protect and conserve native wildlife and their habitats
- include over-arching objectives setting out the primary purpose of the Act
- Include a general duty of care related to wildlife conservation and biodiversity protection
- remove the Act's current, confounding inclusion of feral animals and game species from the scope of the Act and from the revised definition of 'wildlife', which we consider should apply only to native species
- Include all native species of animal, plant and other taxa within the revised definition of 'wildlife'
- Remove the scope of the Act to list some native animals as 'unprotected'

- Include provisions to ensure protection and conservation of habitat on public and private land
- Include statements of principle and criteria to guide regulators, duty holders and the public
- Include provision for the development of mandatory codes or practice
- Include provisions for the establishment of a scientific advisory committee or advisory panels to provide expert advice
- Revise existing penalties to ensure that they are adequate to punish and deter offenders
- Include provisions that allow for additional penalties or imposts on the offender
- Contain provisions to permit community impact statements relating to the harm caused to wildlife
- Provide authorised officers with the necessary powers to enforce the Act
- Provide for third-party civil enforcement options in cases where the regulator has failed to act.

Detailed comments

1.1. Does the Act reflect contemporary attitudes towards wildlife?

1.2 Is the intent of the Act clear?

In our view, the Act is out of step with widely accepted contemporary views that the protection of native biodiversity is critical to the ecological health of the plant and to human well-being. The Act includes conflicting purposes regarding wildlife conservation, use of wildlife for a range of purposes, wildlife management and hunting of both native and exotic game species

In recent decades we suggest that the use of this Act to help conserve habitat and native wildlife has been supplanted by the community's focus on the FFG Act and EPBC Act as alternative mechanisms to help conserve habitat of listed species and communities. However, these Acts do not have the primary objective of protecting and conserving all species of native wildlife and there is an urgent need, in the face of rapid biodiversity decline, to articulate these functions as the primary objective of this Act. In her foreword to the Victorian Government's long-term Biodiversity 2037 Plan, Minister d'Ambrosio notes the plan's vision '...that Victoria's biodiversity is healthy, valued and cared for.' **GVEG recommends that a revised Wildlife Act should help enact and underpin this vision.** Currently it does not.

1.5 . Scope of the Act in terms of wildlife

As Figure 2 clearly illustrates, the current scope of the Wildlife Act is inconsistent in terms of what species or groups of animals, plants and other taxa are included or excluded under the Act. **GVEG recommends that:**

- **all native species of animal, plant and other taxa should be included under the Act;**
- **feral species should not be included, and should be managed through the CALP Act (1994).**
- **Game species should not be included, and should be managed through the Game Management Authority Act (2014).**

Furthermore, in line with the aim of this review to implement best-practice legislation for the protection and conservation of native wildlife, **GVEG recommends that the revised Act should provide full protection to all native species of ducks and quail, and end the threat to them from hunting.**

Eight native duck species and Stubble Quail are still listed as game species which can be legally hunted in Victoria, despite clear evidence of significant, long-term declines of waterbirds across the [Murray Darling Basin](#) and extensive loss of the quail's preferred grassland habitat. Two of the duck species which can be hunted in Victoria are even listed as threatened (Australasian Shoveler, Hardhead), making it difficult to comprehend the logic for allowing the ongoing, permitted hunting of these native species when their habitats and populations are so at risk (in 2019, an estimated 239,000 ducks and 188,000 quail were killed, [Game Management Authority report](#)).

Part 2. Interaction of Act with other relevant legislation

2.1 Gaps in existing legislative framework

The review of this Act offers a rare opportunity to amalgamate a range of Acts or parts of multiple Acts with overlapping functions into a single Act with the primary purpose of the protection and management of Victoria's native animals and plants, and their habitats. The Acts and regulations we envisage could be amalgamated (in full or part) comprise the Wildlife Act, FFG Act, and relevant parts of the Planning & Environment Act relating to native vegetation removal. This option would parallel what has happened in NSW with the introduction of the Biodiversity Conservation Act 2016.

GVEG recommends that the reforms consider amalgamating multiple Acts and regulations, in full or in part to establish an over-arching, comprehensive biodiversity conservation statute for Victoria.

2.3. Preservation and conservation of habitat

GVEG considers that it is essential that the reforms to the Wildlife Act include provisions which help protect the habitat on which species depend. There are currently no over-arching or effective statutory mechanisms which ensure the protection of habitat for all species of native wildlife in Victoria:

- The FFG Act provides for potential protection of critical habitat of listed species (not all species) but requires Ministerial approval and, we understand, has never been successfully applied since the Act was established in 1988;
- The Native Vegetation Removal regulations under the Planning & Environment Act provide for protection of native vegetation but include multiple exemptions relating to both public and private land. In addition, these regulations apply only to mapped native vegetation and do not include habitat which is not mapped as native vegetation, for example, gilgai wetlands or modified grasslands which still have their natural rocky outcrops.

Consequently, important natural habitat areas for some species of wildlife remain poorly protected under current legislation.

GVEG supports the inclusion of provisions to protect the habitat of all native Victorian wildlife in the revised Act.

2.3.3 Prescribing duties for landowners about protecting and conserving wildlife and habitat on their land

GVEG broadly supports the principle that a duty of care for the protection of wildlife and wildlife habitat should apply to all land managers on public and private land.

On private land, we suggest that this could occur through policy development or legislation requiring basic environmental land-management standards for all farming land, coupled with financial incentives such as positive payments, rate concessions or tax concessions. We note, for example, the EU's requirement for [Good agricultural and environmental conditions](#) as a pre-requisite for farmer payments to achieve sustainable agriculture. This could provide a potential model for Victoria.

Part 5. Current enforcement and compliance mechanisms

Many of our members were appalled by the mass poisonings of Wedge-tailed Eagles and other native wildlife in Gippsland and, more locally, near Violet Town. They have also been deeply concerned about how long it has taken from the first reporting of these incidents to bring a prosecution case to bear and the minor severity of the penalties imposed in the Gippsland case.

GVEG recommends that the maximum penalties need to be amended to ensure that they are adequate to punish and deter offenders. We also support the suggestion that the Act should contain additional penalties and options for other sanctions and remedies to help achieve its objectives (5.3, 5.5).

We would be pleased to provide further detail on any of these points.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Rugby', is written over a light grey rectangular background.

GVEG President

Protecting the environment for generations to come

