

SUBMISSION FOR WILDLIFE ACT 1975 REVIEW JUNE 2021

Introduction:

I thank the Victorian Government for making available the opportunity for a private citizen like myself to make a submission to this review of the Wildlife Act 1975. I also thank the government for recognising the importance of updating the Act in accordance with modern, best practice and changed community values and expectations.

Issues of concern to me:

1. Ways in which the Act fails to represent contemporary expectations for, and values relating to wildlife in Victoria:

I think the Act needs to reflect the intrinsic value placed upon wildlife by some sectors in the community. For example, as Co-convenor of a mainstream Christian Parish animal welfare group, I believe that wildlife is intrinsically valuable as it ultimately belongs to and is loved by the Creator God. Some of our group's practical activities reflect a moral obligation to altruistically care for wildlife as part of God's creation. This accords with mainstream Christian theology that humans are stewards of God's creation, including all animals.

The impetus for this review is partly a response to community outrage concerning two incidents of cruelty toward wildlife. Though the scenarios differ, the prevailing theme of humane treatment of wildlife is not unrelated to changing community values and expectations with respect to the treatment of wildlife while hunting.

Humane treatment of wildlife is not possible during duck shooting season as the Act does not provide for a shooter competency test as a duck specific game licence requirement. The use of a shot gun to kill the ducks releases a spray of pellets, decreasing the likelihood of a fatal shot. A study using a mathematical model to examine the pellet cluster reported that for every two ducks killed, at least one would be wounded. Recreational shooters have highly variable skill levels. (R.S.P.C.A. Victoria Information Paper, 2020) Based on Australian studies, approximately 26% of ducks will be wounded, maimed or crippled. (Norman & Powell, 1981; R.S.P.C.A. Victoria Information Paper, 2020.)

A uComms poll, the Age Newspaper, February 2, 2021, reported that 39.3% of Victorians surveyed, the majority in regional Victoria, "strongly support" banning duck shooting season.

Moreover, 51.5% would be less likely to holiday in regional Victoria during shooting season. This suggests that the change in community values and expectations partly responsible for the banning of recreational duck hunting in New South Wales, Western Australia and Queensland also exists in Victoria.

As the then Queensland Premier, Peter Beattie said in announcing the recreational duck hunting ban in 2005: “This is not an appropriate activity in contemporary life in the Smart State.”

Neither is it an activity resonant with contemporary expectations for, and values relating to wildlife in Victoria. The Act would better balance the need for protecting, conserving, managing and using wildlife by adopting the New South Wales legislative practice of permitting indigenous game birds to be hunted only for management purposes. Defining game animals as wildlife in the Act would also help facilitate this balance and promote humane treatment of wildlife as per community values.

2. Are the current purposes of the Act satisfactory?

The definition of the Act’s purposes of ‘protection’, ‘conservation’ and ‘sustainable use’ need to be clarified and refined to take into account contemporary expectations and values relating to wildlife in Victoria.

For example, kangaroos are ‘protected’ under the Act but the Act needs to provide for greater transparency, regional wildlife stakeholder consultation, public accountability and ready accessibility regarding the design and methodology of the population survey process that determines cull quotas. This would promote an outcome more in tune with contemporary attitudes, that is, one of increased community confidence that kangaroo ‘conservation’ and ‘sustainable use’ is not threatened by commercially driven agendas . For example, the Senate Select Committee on Animal Welfare concluded in its 1998 report into the killing of kangaroos that, “ To some extent, cruelty to kangaroos has become institutionalised through the system of kangaroo management.”

With regard to kangaroo management for property damage, the Act could be more in keeping with community expectations and values if a mandatory shooter proficiency test and mandatory reporting on the authorisation outcome were included in the conditions of an Authority To Control Wildlife permit.

This would promote more humane and sustainable treatment of wildlife as it would decrease the likelihood of inaccurate and indiscriminate shooting. The publication, Kangaroo Harvest Quotas for Victoria, 2021, Arthur Rylah Institute for Environmental Research, Technical Report Series No.323, states “...populations in both the Mallee and North East zones have declined, coinciding with a recent increased demand for kangaroo control through ATCW permits in these zones. The level of offtake in these zones has been greater than the 10 percent currently recommended as sustainable...”

The creation of buffer zones around wildlife shelters forbidding ATCW issue within that zone would protect shelter kangaroos from possible inhumane treatment in keeping with contemporary attitudes and promote the Act’s objective of conservation.

Given the community’s considerable outrage regarding the illegal lethal control method used on protected wildlife species in the incident cited as partial impetus for this review, ATCW’s would better reflect contemporary attitudes if lethal control was mandated as a last resort after all non-lethal alternatives have been fully explored.

3. The Act doesn’t appear to appropriately recognise the rights and interests of Traditional Owners and Aboriginal Victorians:

As the original custodians of wildlife and Australia’s first peoples, the Act needs to recognise the cultural significance of Country and wildlife to Traditional Owners, explicitly recognising the value of indigenous Ecological knowledge for the stewardship of Country and the conservation of wildlife. The Act should provide specifically for Traditional Owners’ recognition as key partners in wildlife conservation decision making.

In accordance with the cultural significance and intrinsic value of some wildlife species to Traditional Owners, the Act should include additional protection for the former and the ability of said species to be returned to Country.

There appears to be a contradiction between the interaction of the Wildlife Act and the Native Title Act 1993 in that many Traditional Owners still need to apply to the government for the hunting of wildlife under the Wildlife Act, yet the Native Title Act 1993 allowing Native Title holders to undertake hunting is generally interpreted as exempting Native Title holders from offences under the Wildlife Act.

If this contradiction exists, it needs to be resolved in a way that ensures the self-determination of Traditional Owners, whilst also ensuring that, in keeping with community attitudes, the Wildlife Act inclusively provides for the humane treatment of wildlife while hunting by all Australians.

4. The Act lacks principles about how to manage wildlife:

I think the inclusion of principles in the Act would assist with the Act's reflection of contemporary expectations for, and values with respect to wildlife in Victoria.

The principle of all decisions and actions with respect to wildlife being guided by the minimising of harm, for example, lethal control being the last resort after all other non-lethal alternatives are explored would accord with community attitudes.

The principle of a regional approach to decision making regarding wildlife management that includes regular consultation with community wildlife stakeholders and independent wildlife experts (as per this review) ought be included in the Act. This would assist in the outcomes of wildlife management plans being more inkeeping with community attitudes.

5. Current enforcement and compliance mechanisms are inadequate:

The maximum legal penalties for harming wildlife would be a greater deterrent if the Wildlife Act adopted those contained in the New South Wales Biodiversity Conservation Act 2016.

The inclusion in the Act of community impact statements relating to harm caused to wildlife would be more resonant with contemporary community values. Similarly, strengthening the powers of authorised officers to require a person to cease an activity and remedy a harm.