

Friends of the Box-Ironbark Forests (Mount Alexander Region) Inc.

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June 26 2021

Re: Wildlife Act review

Thank you for the opportunity to comment on the review.

The Friends of the Box Ironbark Forests is an environmental lobby group centred in Castlemaine, with a membership of about 130. Its activities include monthly walks, revegetation, public interest lobbying, and education through the publication of natural history guides.

Our monthly guided walks in the Mount Alexander region over 22 years have introduced hundreds of people to local bushlands. In addition our forays in the region in the process of producing our guides has given us an intimate knowledge of the ecology and history of these bushlands.

For more details see www.fobif.org.au

We wish to offer the following comments:

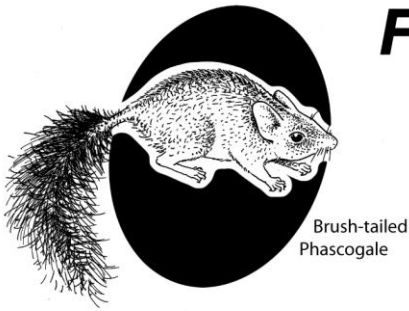
Compliance and enforcement

We note the draft's observation on page 31: 'The low number of prosecutions may reflect high compliance, *inadequate enforcement* or barriers to successful prosecutions such as a high standard of proof.' [our emphasis]. In our opinion much of the degradation of habitat and consequent impacts on wildlife can be put down to the scandalous understaffing of DELWP and Parks Victoria. We understand that DELWP is not part of this review, but consider this a weakness in the terms of reference.

All of the provisions of the Act are null and void if the persons tasked with oversight of them are unable to perform them. **This applies particularly to the matters covered on pages 19, 23 and 29 on habitat and land management.** We understand the difference between the Act and implementation of the Act, but wish to emphasise the importance of the latter. Recent revelations about the inadequacies of the EPBC Act are a perfect illustration of the point.

Are the Act's stated purposes clear?

The draft's comment on page 11 is correct:



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‘The Act’s stated purposes – ‘protection’, ‘conservation’ and ‘sustainable use’ – sit uneasily together and, in fact, are often in direct conflict. In particular, some activities sanctioned by the Act, such as protection offered to some introduced animal species and ‘take’ or ‘unprotection’ of indigenous wildlife, do not appear to be consistent with conservation of wildlife or prevention of extinction.

Specifically, the protection offered to deer under the act is wildly at odds with the damage this feral species does to habitat vital to native wildlife. All the discussion of habitat destruction on page 19 sits very strangely alongside the fact that the Act protects an animal wreaking increased havoc around the state. We are aware that our region in central Victoria is not the worst example of this, but numbers of this species sighted here have risen sharply and disturbingly in the last few years.

The protected status of deer reduces the definition of ‘protected wildlife’ to absurdity. Under the Act, ‘protected wildlife is ‘all wildlife *other than* ... a pest animal.’ [3.1 our emphasis] Deer are by any reasonable definition a pest animal in Victoria [the fact that deer have been ‘unprotected’ on private property is an acknowledgement of their pest status], yet they are ‘protected wildlife’ under the Act! And this status is designed for their ‘protection and conservation’!

All of which contributes to the confusion you note on page 15:

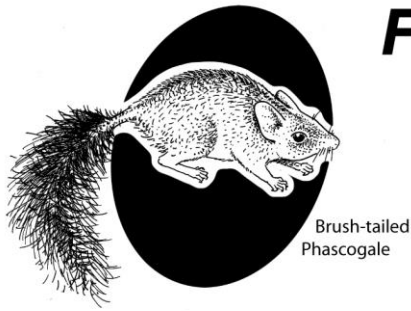
‘The Act’s definitions of wildlife and protected wildlife are complex, may not reflect what most people would consider wildlife, may create confusion about what is or is not covered, and affect the ability of the Act to achieve its objectives.’

The answer to your question 1.5.3 ‘Should ‘game’ animals be defined as wildlife in the Act or defined some other way or excluded from the Act entirely?’ is:

1. Deer should be excluded from the Act.
2. For separate reasons the panel should seriously consider removing native birds from any category of game. We note that Victoria is the only state which permits duck hunting. Research shows that waterbird numbers are in decline, and also that the majority of Victorians are opposed to duck shooting.
3. In sum: no native animals should be categorised as ‘game’ under the act.

Further, even the question of native wildlife seems to be inadequately defined in the Act. The question of definitions is raised at page 15, and the implication of this discussion is clear: the Act is inadequate in its definitions.

Should the Act aim at protecting wildlife habitat?



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The observations in the issues paper on the importance of habitat (page 19), and the integral links between animal and land management (page 23) highlight a deficiency in the Act, made explicit on page 29:

‘Similar legislation in other jurisdictions includes offences that the Victorian Act does not cover, such as 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...’(etc)

We support the Victorian National Parks Association’s proposal that ‘The Act needs to increase protections for wildlife and wildlife habitat by providing new tools such as “wildlife protection zones” and “wildlife protection orders” and by upgrading to legislation the current regulation that a person is “not to damage, disturb or destroy any wildlife habitat”.’

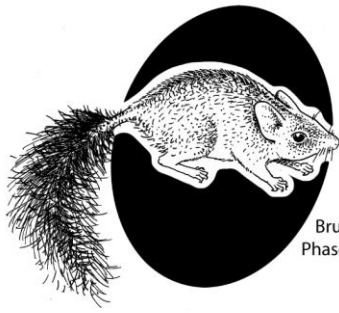
Community Consultation

We are in sympathy with the remarks on page 22 of the issues paper on community consultation. Nevertheless, we are suspicious of the kind of consultation which treats all input, informed and uninformed, as equal, and seeks to achieve a weird balance between them. All consultation should be conducted in a framework of accessible, reliable and scientific information.

We believe that education is a vital part of a land manager’s job. We note, for example, the reference on page 29 to the ‘offence’ of ‘feeding animals in the wild.’ This offence, we believe, takes place in the overwhelming majority of cases because of ignorance, particularly (but not only) in the case of tourists. Further, we believe that much illegal firewood collection arises from the false belief that fallen timber is wasted. Additionally, people in our area not infrequently allow pets to run free with disastrous consequences to wildlife, in the belief that there is no harm in the practice.

Only a sustained and credible program of education can overcome such problems. Thus we believe that the (partial) answer to question 3.2.2 ‘How can community involvement in decision making under the Act be improved?’ has to be, **to include in Part II of the act a section outlining duties of the land managers (DELWP and Parks Victoria) the clear duty to inform the public in an accessible manner of the values of habitat and treatment of wildlife.**

The National Parks Act (1975) has such a provision, in declaring that Parks Victoria



Brush-tailed
Phascogale

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‘must...promote and encourage the use and enjoyment of national parks and State parks by the public and **the understanding and recognition of the purpose and significance of national parks and State parks;**’(our emphasis) (I 17 c)

We believe that this provision in the Act is more honoured in the breach than the observance, but it is there nevertheless.

We note also that in the distant past forests often had notice boards with virtually unreadable lists of permitted and not permitted activities. Though not a good model, maybe they are a clue to a solution. The provision of more kindly and informative rangers would not be a bad idea, either...but of course this is outside the scope of the enquiry.

Sincerely,
FOBIF Secretary