

Wildlife Act 1975 Issues Paper. Question responses and Submission 18th May 2021

By

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?

Comment: A simplification would be a good idea. However, some activities, which are licensed, are currently given no clear acknowledgement under the act and are 'squeezed into' the existing legislative framework. E.g Our bird of prey/environmental education business operates under a 'wildlife demonstrator's license' which seems to be designed for regulating those individuals displaying 'scheduled wildlife' such as reptiles, some mammals and a variety of common avicultural bird species. In order to keep and acquire raptors we have had to apply for each individual species as they have become available. A specific 'raptor displayers/demonstrators license' for appropriately skilled and experienced operators would make more sense. Free flying of raptors using the principals of falconry training and positive operant conditioning also needs to be acknowledged and formalised under law. Its benefits to rehabilitated raptors are often enormous and it has a valuable role to play in environmental education. The process has in the past been maligned due to its use in sporting falconry but Its use in rehab and education should no longer be regarded as controversial. E.g Holtz, Naisbitt & Mansell (2006) 'Fitness Level as a Determining Factor in the Survival of Rehabilitated Peregrine Falcons (*Falco peregrinus*) and Brown Goshawks (*Accipiter Fasciatus*) Released Back into the Wild' *Journal of Avian Medicine and Surgery* 20(1) 15-20 2006.

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?

Comment: Absolutely! 'Wildlife' is a broad term. Every species is complex and no government authority can hope to possess the expertise required for every situation or to manage each species, with its own peculiar requirements, whether as a captive specimen or a wild animal at the centre of a situation that requires intervention by management authorities such as authorised DELWP officers. Individual experts, who have experience and reputation in their particular fields of speciality should also be engaged in an advisory capacity whenever possible.

5.1.2 Should any offences be repealed?

The possession of individual, naturally dropped or moulted feathers from native bird species is, I believe, still an offence under the wildlife act. Policing of this is impractical, and the public generally have never adhered to this law.

S 52 'Release of birds and animals from captivity or confinement' Needs clarification. Free flying raptors could be considered a breach of this section of the Act. Or taking a dingo for a walk.

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

Comment: I was not aware that ANY decision by DELWP could be appealed.... For example, in a recent case where we applied to retain a rehabilitated, non-releasable Peregrine for the purposes of education and captive breeding. We received the support of our local officers and were told that they approved the transfer. However, an individual in Head Office rejected the application and no appeals would apparently be considered.... I would say that a CLEAR, publicly available, review and appeal process would be very beneficial and welcome.

A further general comment

Thank you for reviewing the Wildlife Act. It certainly is due. I would like to see tougher penalties imposed by judges on those who persecute wildlife. I was as appalled as anyone by the recent killing of Wedge-tailed Eagles and the seemingly punitive punishments given to the perpetrators. ultimately, however, I believe a system where those convicted are given environmental offset style work commitments that enrich and heal habitats would achieve more than fines and imprisonment. Education is the answer.