

Submission to the Independent Review of the Wildlife Act 1975

Greg Noonan

I offer the following submissions broadly concerned with bringing the Act more into line with current community expectations:

1. The Wildlife Act should be structured as another instrument for the broad objectives of preventing and reversing further degradation of indigenous biodiversity, and enhancing the whole ecosystem we live in. Victoria is an intensely developed region and it is essential for our human future to allow all components of that ecosystem to flourish. Objectives along these lines should be clearly expressed in the updated Act.
2. It follows that the updated Wildlife Act should not be concerned at all with exotic species, most especially pest species, and should not give indirect protection to such species (eg “game” species) as it does at present. Of course exotic and pest species should be protected from random maltreatment and cruelty but this should be the concern of other legislation.
3. The vague and entirely opaque nature of licences, permits and authorisations, most particularly those to “control” wildlife, requires a wholesale overhaul. A good start would be the cessation of euphemistic terminology: the exact nature of the acts permitted should be stated. In accordance with modern expectations, there should be notifications to defined parties and to the public generally, a process for third party intervention, and a requirement for meaningful ongoing reporting by permit or licence holders, including data critical to scrutinise compliance and outcomes. Such data would be invaluable in assessing future grants. Critically, science must be included in the process and economic arguments subjected to scrutiny through a defined hierarchy of relevant issues to guide the grant or refusal of permits and licences.
4. In a civilised society, the updated Act should not envisage permission to kill wildlife merely because it causes an individual or entity economic loss or inconvenience.
5. It is important that third parties, including public advocate organisations, have the right to object to grant of permits, and to initiate at least some defined enforcement processes under the Act, ie to act as a voice for broader public interest and for the wildlife affected. This would be consistent with other legislation.

6. Also important to the transparency of the process is the creation by the Act of a Regulator independent of Government and interest groups, or the conferring of relevant powers on an existing body that meets these requirements.

7. It is my understanding, not admitted in the Issues Paper, that the offences set out in the current Act are almost never enforced. There are no doubt a variety of reasons for this, including political will and other matters unrelated to the Act as such, but a key objective of the review process must be to set up the framework for ensuring that excuses for this unsatisfactory state of affairs do not lie in the structure and content of the Act.

8. I understand that actions licensed, authorised or permitted under the Wildlife Act are exempt from the Cruelty to Animals Act. There seems no reason for this exemption. Indeed removing the exemption provides an additional tool for addressing rogue behaviour by permit and licence holders.

9. Another exemption I understand applies to the forestry industry. There can be no rational basis for this exemption given to one industry and not to others. A law for all should indeed be a law for all.