



PO Box 97 Cowes, Victoria 3922 Australia  
T: +61 3 5951 2800  
E: [info@penguins.org.au](mailto:info@penguins.org.au)  
W: [www.penguins.org.au](http://www.penguins.org.au)

ABN: 88 940 950 118

21 June 2021

To whom it may concern,

**Re: The Independent Review of Victoria's Wildlife Act 1975**

Phillip Island Nature Parks (the Nature Parks) is a unique conservation organisation established in 1996 under the Victorian Crown Land (Reserves) Act 1978 "for the conservation of areas of natural interest or beauty or of scientific, historic or archaeological Interest". The Nature Parks has a strong track record in marine research, with expertise in Little penguins, Australian fur seals and a variety of seabirds; along with expertise in threatened species and managing and eradicating pest animals and plants on Phillip Island. The Nature Parks has been invited by the DELWP Expert Advisory Panel as a key stakeholder to provide feedback to this review. This following submission focusses on providing feedback across three of the five Parts and over four key themes from the [Issues Paper](#).

**PART 1 – WHAT SHOULD THE ACT DO?**

***THEME 1 – THE ACT INTENT FOR NON-NATIVE WILDLIFE:***

The Nature Parks believes that non-native game species should be excluded from the Wildlife Act as it is inconsistent with the 'Purposes' of the Act. For example, deer are responsible for habitat destruction, fouling of waterways and wetlands, and damage to agriculture such as vineyards and orchards. Incursions of young male Sambar deer and Hog deer have been discovered on Phillip Island. It is assumed these deer were pushed out of territories during rutting season and/or looking for mates when they were discovered on Phillip Island at Newhaven Swamp, Fishers Wetlands, Scenic Estate and Cape Woolamai. The incursions from these non-native species have damaged the natural wetlands environment and damaged fragile vegetation communities within these environments on Phillip Island. Native habitat on Phillip Island is at risk from further deer invasions yet under the current Act, deer are protected as native wildlife.

The Nature Parks feedback includes:

- Non-native wildlife such as deer should be excluded from the Act and responsibility for these animals should be managed under other legislation frameworks and Acts such as the CaLP Act 1994 or the Game Management Authority Act 2014. If they are to be retained for economic/commercial activities such as hunting this should be confined and Nature Parks recommends, they are managed in the Wildlife Act under '\*Resource Management Zones' where the damage to the environment and populations can be managed.



- The inclusion of non-native species such as deer within the Wildlife Act is unclear, giving the perception to Victorians that these species have the same protection values as native species. For example, multiple Victorian agencies and groups will contribute millions of dollars in resources to control deer in the environment. The Wildlife Act that regulates and protects deer contradicts and confuses the management of non-native species like deer.
- The Control of deer on Crown Land currently requires authorisation under the Wildlife Act. Removal of 'authorisation' and or exclusion from the wildlife Act to manage deer (and other potential invasive species) would assist agencies such as Phillip Island Nature Parks to protect the environment and prevent establishment.

***THEME 2 - RECOGNISING THE RIGHTS AND INTERESTS OF TRADITIONAL OWNERS AND ABORIGINAL VICTORIANS:***

The Wildlife Act does pose barriers to self-determination, specifically regarding Traditional Owners ability to undertake traditional practices with native wildlife.

The Nature Parks feedback includes:

- The Nature Parks supports the recognition of Traditional Owner rights to wildlife in the Wildlife Act, in a way that is considered appropriate by the Traditional Owner community. Consideration should be given to the protocols for land managers to enable rights to be executed acknowledging other environmental and social uses of Crown Land.
- The Phillip Island (Millowl) Wildlife Plan (release in July 2021) is a multi-agency strategy for addressing abundant wildlife issues on Phillip Island and is working towards enabling Traditional Owner access to wildlife. If successful, this plan could serve as a model to support traditional owner cultural practices involving wildlife on Crown Land. This Plan is supported by the Registered Aboriginal Party for Phillip Island. The role of Traditional Owners and Aboriginal Victorians is embedded in the Plan in recognition that they are part of the consultative process and have a role in the solutions and outcomes of this Wildlife Plan.
- The Nature Parks has an obligation as Crown Land Managers to work with Traditional Owners and the Aboriginal and Torres Strait Islander Community on the management of land, water and sea to ensure the protection of cultural heritage values in an authentic and culturally appropriate manner. The Nature Parks' relationship with Bunurong Land Council Aboriginal Corporation, the Registered Aboriginal Party for Millowl (Phillip Island), is strengthened by an MOU to identify opportunities to work together on areas including land management and wildlife.



- The Nature Parks Reconciliation Advisory Committee is responsible for implementing the deliverables of the Reconciliation Action Plan. Through this committee a number of Aboriginal community members have expressed interest in enabling to access traditional resources including abundant wildlife.

## **PART 2 – HOW DOES THE ACT INTERACT WITH OTHER LEGISLATION ABOUT WILDLIFE AND ANIMALS?**

### ***THEME 3 - THE ACT TO CONNECT WITH OTHER LEGISLATION AND PRIVATE LAND RIGHTS:***

The value of wildlife habitat is not reflected in the Act. Protection of habitat is fundamental to the protection of wildlife.

The Nature Parks recommends the feedback includes:

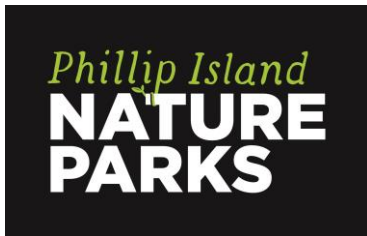
- The Wildlife Act considers the holistic environment for the species in decision making processes for wildlife- flora, invertebrate fauna, fungi and habitat and that the term 'Wildlife' should be represented across all land tenures in the Act.
- The Nature Park recommends that the Act have a clear framework which outlines the connection to other legislation (e.g. Flora and Fauna Guarantee Act 1988) and frameworks (e.g., Victoria's Native Vegetation Management – a Framework for Action).
- The Act requires clarification as to the requirements for protection of wildlife on private land. Private land where wildlife is active, is a significant part of Phillip Island and the wildlife corridors across private land link wildlife reserves on Phillip Island. Private land holders should be treated consistently within the Act.

## **PART 3 – WHAT MECHANISMS DOES THE ACT NEED TO ACHIEVE THE OBJECTIVES?**

### ***THEME 4 - WILDLIFE MANAGEMENT PLANS AND COMMUNITY ENGAGEMENT:***

Management of abundant native wildlife is controversial and emotive, and the Nature Parks has identified the Act does not reflect contemporary attitudes towards wildlife. Wildlife Management Plans should be enabled under the Act and can include collaborative community engagement via a process of stakeholder engagement in wildlife management plans for specific purposes.

For example, the Phillip Island (Millowl) Wildlife Plan (scheduled for release this July 2021) is a great model that could be implemented more broadly across Victoria. The Plan aims to identify the wildlife-human interaction issues associated with three abundant species on Phillip Island and to present potential options for addressing these issues.



The Nature Parks recommends the feedback on Wildlife Management Plans:

- The wildlife expectations and interests should be addressed collaboratively with key stakeholders and local community by developing place-based Wildlife Management Plans which can be enacted under the Act. For example, the Phillip Island (Millowl) Wildlife Plan recommends management tools to control abundant wildlife such as Cape Barren geese, Common Brushtail Possums and Swamp Wallabies. Having legislative requirements for focussed wildlife plans could be an effective means of reconciling competing interests particularly in relation to particular species or issues.
- Community engagement is a decision-making process that needs to be included as part of Wildlife Management Plans within the Act. For example, the translocation of Eastern Barred Bandicoots on Phillip Island has been supported within the Phillip Island community through ongoing engagement programs. Belief elicitation was a central process to eliminate some community fears that Eastern Barred Bandicoots would become abundant without control measures to manage the population. These fears were addressed by using Churchill Island as a model to educate and demonstrate that they would not be comparable to abundant native browsing species that already exist (Cape Barren Geese, Swamp Wallabies, Brushtail Possums) and would have zero negative impacts for Phillip Island or the environment.
- The Nature Parks recommends that Animal Ethics Committees (which are mix of community and scientific members) are instated to ensure animal welfare procedures are implemented for any activities that require permits for wildlife research, tourism and commercial filming.

Thank you for giving our submission due consideration. If you have any queries, please do not hesitate to contact me on the below.

Sincerely,

A handwritten signature in black ink that reads "McKelson". The signature is written in a cursive style and is underlined.

Jessica McKelson  
Conservation Manager  
Phillip Island Nature Parks

[jmckelson@penguins.org.au](mailto:jmckelson@penguins.org.au)