

Wildlife Act Review

Issues Paper questions – Response 39:

Contributor: Individual

Primary interests:

- Protection and conservation of wildlife and habitat
- Rehabilitation of sick, injured and orphaned wildlife
- Wildlife welfare
- Eco-tourism involving wildlife
- Protections for marine mammals
- Research relating to wildlife

Question responses

1.1.1 In what ways does the Act succeed or fail in representing contemporary expectations for, and values relating to, wildlife in Victoria? Please provide examples from your own experience.

No, I think the Act largely represents wildlife as property, a resource or pest and this does not reflect contemporary values where the majority of people in the rural area I live in, and more broadly, see them as the unique, wonderful species they are - to be valued, protected and appreciated. I live outside of Daylesford on a property with hundreds of resident kangaroos and other wildlife. Our area receives many thousands of tourists- domestic and international (until 2020!) who come and are in awe of our wildlife.. at the same time we have the incongruous horror of supposedly "farmers" (actually partime visitors who own a rural block) who have people shooting these exceptional animals for no valid reason and often dangerously close to other inhabitants.

1.1.2 Are there conflicts between the interests or expectations of different stakeholders or community members regarding wildlife in Victoria? Please provide examples from your own experience.

As above, I think there is an extremely small minority who for no good reason think it's their right to abuse animals. This is in conflict with the vast majority who believe otherwise and yet this activity gets supported and an unwarranted amount of attention. In rural communities permits to control wildlife (predominantly kangaroos) are a blatantly misused..there are no active farmers around my property but many landowners with permits shooting for "sport"..it's a joke and completely unregulated..at times when shooters have been so close to where we walk at the back of my property placing myself and others in potential danger I have called the police who routinely dismiss this and don't take action. If they do this is "legal" due to the unwarranted permits. Licenses under the Wildlife Act have the same effect as Exemptions under POCTA, in that they remove the protections to animals. Licenses such as an Authority to Control Wildlife (ATCW) should be tightly controlled as a last resort and only issued if the person can prove:

- serious damage (not just damage)
- demonstrate (not just notate) that all non-lethal methods have been attempted
- the risk to the landholder or property must be grave to warrant an ATCW Similarly commercial culling of kangaroos is abhorrent, unregulated and at complete odds with any responsibility to preserve and protect.

I have been a wildlife carer/volunteer for more than 10 years and have seen first hand the cruelty and damage caused by culling and hunting. It is completely unacceptable to the majority of people and an international disgrace.

1.1.3 How can the Act balance the diverse interests of Victorians in protecting, conserving, managing and using wildlife? How might such competing interests be better reconciled in legislation? Are there examples from other sectors or other jurisdictions (both in Australia and internationally) that may be useful?

Even if there is some conflict ..the Act needs to be underpinned by guiding principles of respect and care that reflect the broader community, set an example and lead by example..it should not try to pander to all competing interests. 9eg. quit smoking campaigns...we implement legislation this way when it involves public health but the environment and yet protecting the environment and it's precious wildlife is crucial to our public health.

1.2.1 Are the current purposes of the Act satisfactory? If not, what should the desired outcomes, objectives or purposes of the Act be? How should the objectives and purposes of the Act relate to the desired outcomes? How would they ensure desired outcomes are achieved?

No , they are unsatisfactory. The desired outcomes should be to care for, protect and preserve all life and all species.

1.2.2 If objectives and purposes are likely to be competing, how could the tensions be resolved?

Not sure if this is achievable or we should set out to resolve all tensions..sometimes a stand needs to be taken and over time with education, people's views change...again I think some public health initiatives are a good example of this.

1.2.3 Are there examples of well designed legislation from other jurisdictions (both in Australia and internationally) with clearly stated objectives and purposes that could inform Victorian law?

I am unable to comment on this as it is outside of my expertise

1.3.2 Should the Act recognise the cultural significance of Country and wildlife to Traditional Owners and Aboriginal Victorians? Should the Act explicitly recognise the value of Indigenous Ecological Knowledge for the stewardship of Country and the conservation of wildlife?

yes, the act should recognise the cultural significance of Country and wildlife to traditional owners and to all Victorians.

1.3.3 Should the Act prescribe a role for Traditional Owners and Aboriginal Victorians as key partners in decision making about conserving wildlife? What could that role look like?

Not sure if this should be prescribed but it absolutely should be allowed for.

1.3.4 Should the Act afford additional protection and the ability to return species to country because of their cultural significance?

in principle yes but this is complex and does "country" to return to still exist in the same way? Probably needs to be rethought

1.3.5 Does the Act provide appropriate mechanisms for Traditional Owners and Aboriginal Victorians to use wildlife? Should the Act support commercial use of wildlife by Traditional Owners and Aboriginal Victorians?

No I don't think the Act should support ANY commercial use of wildlife (unless it's in a preservation/education context)

1.4.1 Should the Act prescribe a general duty of care related to wildlife conservation or biodiversity protection more broadly? Why or why not? How could it work in practice?

Yes, I think there should be a Duty of Care to wildlife and biodiversity as an underpinning principle of this legislation and all related ones.

1.5.1 Are there any definitions that are unclear or confusing or that cause problems for achieving the outcomes and objectives of the Act?

Most likely although I'm not familiar enough with the act to comment. There should be clear definition of wildlife as those indigenous to Australia ie. not including other game/introduced species....although core principles of humane care and treatment should be applied to all animals.

1.5.2 Should any additional animal species or taxa (groups of species) be included in the definition of 'wildlife' or 'protected wildlife'? Should any species or taxa be excluded and therefore be exempt from some provisions in the Act?

See above

1.5.3 Should 'game' animals be defined as wildlife in the Act or defined some other way or excluded from the Act entirely?

No they should not be defined as wildlife

2.1.1 Do you have any comments on the interactions between the Wildlife Act and other legislation?

I am not expert in this area but I think there is and should be overlap with planning legislation. I think a framework that would empower public and private landholders (like myself) to work together to preserve and develop habitat for wildlife will be key to sustaining populations moving forward. There are various examples of these models around the world. Public land is shrinking but there are many private landholders who with support and a clear framework would actively contribute to achieving these goals. I am one; where I live we have a large concentration of wildlife but as this area grows in popularity I see properties getting chopped up and natural wildlife corridors and habitats eroded with no consideration...almost no-one around here is using land productively anymore so those old arguments don't apply and this is a widespread occurrence particularly in the zones around major cities like Melbourne etc. we have overlays for heritage/bushfire/etc but not specifically for preserving habitat...leaving corridors etc. we have easements for power, gas etc etc why not have a wildlife corridor easement eg.....a% along boundaries of rural parcels, between properties that is unimpeded and revegetated? The backlash overreaction to bushfires needs rethinking - i have seen countless inconsistent and destructive applications of BAL regulations that achieve no protection but cause further damage.

2.1.2 Should wildlife, flora and fauna generally be regulated by a more inclusive statute?

Yes

2.1.3 Should game management be regulated under its own Act? What are the advantages and disadvantages of such an approach?

Unable to comment but i think a more holistic, integrated whole of environment approach would always be far more effective than separate disconnected legislation.

2.2.1 How do regulatory differences between states help or hinder wildlife management? Please provide examples from your own experiences.

I don't have specific examples but state boundaries are artificial and will always be problematic...we need to elevate this to more holistic, integrated whole of environment approaches

2.2.2 How can the review of the Act address differences in regulation across land tenure regimes?

See 2.1.1 The Act needs to be elevated and underpinned by higher principles of Duty of Care to wildlife and biodiversity

2.3.1 In what ways does the Act succeed or fail in protecting and conserving wildlife habitat? Please provide examples from your own experience.

It is ambiguous, there are weak controls and woeful enforcement compounded by glaring inconsistencies such as the existence and operations of VicForests who destroy habitat at alarming rates. The Act needs to be clear in its goals to protect and preserve unequivocally.

2.3.2 How should the Act provide for the protection and conservation of wildlife habitat?

See 2.1.1 Design a framework that rewards this behaviour rather than rewarding its destruction for commercial gain.

2.3.3 Should the Act prescribe duties for landowners about protecting and conserving wildlife and wildlife habitat on their land? What could those duties look like?

Yes. although again prescription often doesn't work unless nuanced for the local situation...rewarding and supporting protection and conservation rather than destruction would provide a more sustainable shift .

2.4.1 Do property rights related to wildlife need clarifying? If so, how?

Yes they should be clarified. Fundamentally wildlife should not be considered as property at all and the law should recognise inherent rights in wild animals (wildlife and nature as legal subjects). I do support mechanisms that support landowners to protect habitat and increase the distribution and abundance of species on private land ...but not by conferring rights as property. I support fundamental obligations on the Crown and States to ensure sustainable management of wildlife and their habitat for the benefit of current and future generations.

2.4.2 Should private landowners have greater rights to use of wildlife on their property?

No..I don't think any private landowner should have the right to "use" wildlife.

2.4.3 Should the Act recognise sentience of some wildlife and, if so, what would this achieve? How would this recognition affect the rights and responsibilities of governments, businesses and individuals?

Absolutely..but not for some - for all wildlife and all species. This recognition is crucial to and totally linked to the underpinning goals to protect and care.

2.4.4 What rights and responsibilities should Traditional Owners and Aboriginal Victorians have related to wildlife?

As above

3.1.1 Should the Act include statements of principle and criteria to guide regulators, duty holders and the public? Why are such principles important? If you do support including principles, what do you think they should be and why?

Yes

3.2.1 Should the Act include provisions for consultation with the community on certain issues? What issues should undergo community consultation?

Yes this should be included

3.2.2 How can community involvement in decision making under the Act be improved?

Listen! Not tokenistic

3.3.1 Should the Act enable wildlife management plans? What provisions should be included for such plans?

Maybe...if done well and carefully, otherwise these can just become a beaurecratic cop out, tick the box exercise.

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?

If the Act is clear and guided by principles of care, respect and conservation then there should be extremely limited scope for licenses or permits.

4.1.1 Does the Act require an adequate degree of transparency about, and accountability for, decision making on matters relating to wildlife? If not, how could this be improved? For example, which activities/decisions/criteria should be more transparent? Which parties should be more accountable and for what?

yes transparency and accountability are crucial and should apply to all parties.

5.2.1 Are the maximum penalties in the Act adequate to punish and deter offenders? If not, what should they be?

No, they need to be far more onerous and enforced.

5.3.1 Should the Act contain general provisions creating continuing offences and allowing for additional penalties?

Yes

5.4.1 Should the Act contain provisions to permit community impact statements relating to the harm caused to wildlife?

Yes