

Mrs Nina Earl

30 June 2021

Dr Deborah Peterson (Chairperson), Associate Professor Ngaio Beausoleil,
Dr Jack Pascoe, Emeritus Professor Arie Freiberg AM
Panel for 2021 Independent Review of Victoria's Wildlife Act 1975
Department of Environment, Land, Water and Planning wildlifeact.review@delwp.vic.gov.au

Dear Independent Panel

Submission on 2021 Independent Review of Victorian Wildlife Act 1975

As a conservation volunteer in the City of Kingston, I act locally and advocate globally on native flora and fauna matters, and deeply care about the depletion and decimation of Australia's unique native wildlife in Victoria and nationwide.

However, due to unforeseen family health concerns and local conservation matters taking my time and energy, my submission is less comprehensive than I had intended, although the extension of time has enabled me to submit in brief. My contribution to this review is based on my accumulative experience and acquired knowledge of caring for or defending areas containing native flora, fauna, habitats or connectivity.

General comments

Australia is renowned worldwide for its unique landscapes and indigenous plants and animals, many of which occur nowhere else. Yet, Australia's environmental laws have not and do not well-protect and well- conserve indigenous species, particularly habitat connectivity—Australia has the world's worst record of animal/mammal extinctions—environmental laws are seriously lacking.

The population carrying capacity of the Australian landscape overall or in parts has never been assessed. A combination of weak environmental laws, population increase, unsustainable use of land and resources, and a terra nullius blind spot—nothing to see here—when people want to use land not for nature, has led to extinction of species with many more threatened. Unfortunately, where people go especially in numbers, environmental impacts follow, some recoverable, some not. Some natural areas are best set aside for nature and connectivity only, except for expert care.

Specific Comments

The Panel will examine:

1. whether the Act's objectives and scope are appropriate, comprehensive and clear

Comment: This Act does not protect native wildlife—it merely allows containment, control or taking of native wildlife for purposes other than conservation—as appears from my general observations and reports of others in various submission or in the media. Thus, any objective to protect and conserve wildlife is not met.

Request: The revised Wildlife Act to please:

- a) Define what is meant by 'native wildlife'; what wildlife categories and species should/shouldn't be considered native.
- b) Be firmer in protection and conservation of native wildlife **in the wild**, rather than in 'captivity' or 'containment' for the convenience of people. Thus, in law, respect and protect the intrinsic value of indigenous wildlife in Victoria rather than for human purposes alone.
- c) State that **no person may willfully disturb, damage or destroy any native wildlife habitat, except those with a permit for the purpose of protection and conservation of wildlife habitat.**
- d) State that native wildlife diversity is dependent upon the diversity of and healthy functioning of ecologies that host wildlife, and;
- e) Refer to legislation that protects ecologies, if any;
- f) **Apply to all categories of known terrestrial, freshwater or marine indigenous wildlife, with provision for yet to be discovered forms.**

- g) **Not apply** to all categories of **non-indigenous wildlife**, except those that:
- independently migrate to and are dependent on our shores and landscapes;
 - have become endemic and do no harm to the survival of native wildlife;

2. whether the Act establishes a best-practice regulatory framework for achieving its objectives

Request: The revised Victorian Wildlife Act to please:

a) Have regard to or interact with:

- The Flora and Fauna Guarantee Act that is firmer on conservation;
- Victoria's Native Vegetation Clearing Rules and,
- Vegetation Offset Requirements.

These native vegetation regulations determine the presence and connectivity of native vegetation habitats that many native wildlife species depend upon. Thus, they enable the survival or not, and where, of native wildlife species into the future.

The vegetation offset requirements tend not to assist survival or diversity of native wildlife, because wildlife habitats tend to be removed for development and a remote vegetation offset site may not host that same wildlife.

The Act has several references to vegetation (pages 17, 214, 216), habitat (pages 11, 20, 62, 64, 69, 70, 72, 73, 75, 77, 131, 132, 174, 210, 213, 218) and preservation (pages 20, 21, 72, 75, 181, 186, 87, 193, 218), but the focus seems not to be conservation.

https://www.environment.vic.gov.au/_data/assets/pdf_file/0021/91146/Guidelines-for-the-removal,-destruction-or-logging-of-native-vegetation,-2017.pdf

<https://www.environment.vic.gov.au/native-vegetation/native-vegetation/offsets-for-the-removal-of-native-vegetation>

b) Remove from the Wildlife Act all categories of non-indigenous wildlife known as 'game' or 'pest species', and place these categories in separate legislation governing game or pest species.

c) The Act to better reflect diversity of native wildlife by inclusion of all categories, even soil biota and micro-organisms, because they support diversity.

d) Consider the role of habitat connectivity on the survival or not of native wildlife species and whether the Act legislates to protect and conserve habitat links.

3. whether the Act appropriately recognises and protects the rights and interests of Traditional Owners and Aboriginal Victorians around wildlife and their role in decision-making

Comment: This consideration in this review is welcome—to be inclusive of First Peoples use and management of native wildlife—Traditional Owners and Victorians cultural heritage relating to indigenous wildlife has been historically ignored.

4. the best way to encourage compliance with the Act, including whether offences and penalties under the Act are appropriate to punish and deter wildlife crime

Strongly suggest:

- a) Strengthen the Act;
- b) Recommend education for all ages and sectors of the community about the Act;
- c) Offenders to undertake mandatory service in wildlife welfare or rehabilitation.

Section 4 Transport Integration Act 2010 (pg 15). **Comment:** Reference to the Transport Act is unclear, if it is to do with transport of native wildlife then state that and for what purpose, if not, clarify or remove it.

In its review, the Panel will consider:

contemporary values and expectations around wildlife

Request: That this important consideration does not weaken protection and conservation of native wildlife and habitats in the Act; rather, that it informs how to strengthen the Act.

Comment: As a migrant from UK to Melbourne in 1975 (with European values and expectations of wildlife), I was captivated by the diverse native aromatic plantlife and remarkable wildlife of this ancient land. But, puzzled that people here seemed to have cultural cringe in preferring plantlife and creatures from other lands and seeing native wildlife as a nuisance!

This perception may be due to the following:

- a) Migrants (naturally) wanting familiar plants and creatures from their homelands;
- b) Educational focus on and images of wildlife of other lands—indeed, our grandchildren at school learn about and see ubiquitous images of the introduced Pacific Sea Star, harmful to marine environments here, rather than native sea stars.
- c) Horticultural colleges and industry promoting introduced plants and landscapes—of generally lesser food or habitat value to native wildlife but which favours introduced wildlife—with lesser promotion of indigenous vegetation and landscapes.
- d) Example set by inadequate national and state laws to govern, enforce and encourage conservation of native ecologies, habitats and species.

Suggest: This review could strengthen the Act and thus influence and reset decision-makers and community values and expectations in favour of native wildlife.

the need to protect and conserve wildlife and to prevent wildlife from becoming extinct

Comment: Given the rate of overall native species extinction, including wildlife, since European settlement, and continuing, environmental laws across Australia are clearly ineffective:

- a) Land clearing, infrastructure builds, changed land use, hunting, culling or poisoning of wildlife species has precedent over protection and conservation of native wildlife because of weak or unenforced environmental laws across the country. **Suggest:** A stronger Wildlife Act may remedy this situation.
- b) Now, with the watered-down federal Environment Protection and Biodiversity Conservation regulations, extinction of species is set to increase further. Thus, this review is an opportune time to strengthen the Victorian Wildlife Act to at least limit or best prevent further native wildlife extinction in Victoria.
- c) The City of Kingston 2018-2023 Biodiversity Strategy lists the conservation status of local native vertebrate fauna—both resident and transient species and recorded or presumed extinctions—unsurprisingly with greater loss of resident species:
The indigenous vertebrate fauna of Kingston consists of approximately 379 species (Table 5, Figure 3). Of these, 59% are secure, 21% are threatened (vulnerable, endangered and critically endangered), and 11% are extinct.
<file:///C:/Users/NINA~1/DES/AppData/Local/Temp/Biodiversity-Strategy-Technical-Report.pdf>
- d) In 2020 local residents and conservationists finally saved the last coastal bush in Chelsea from clearing for housing development, after a four year effort. The land hosts a variety of wildlife and will be a nature and recreation reserve managed by Kingston Council and volunteers. A stronger Victorian Wildlife Act may make conservation easier.
- e) The Australasian Bittern *Botaurus poiciloptilus*, resident in Kingston waterbodies and Critically Endangered, is now further threatened by construction of the unnecessary Mordialloc Freeway through green wedge, green spaces, wetlands and bird flyways. This road could have left spaces for nature by connecting the Dingley Bypass and Mornington Peninsula Freeway via a widened Springvale Road.
- f) Harvesting of old growth native forests directly increases threats to native wildlife species of all types. A stronger Victorian Wildlife Act may encourage more sustainable forestry with less harm to native wildlife.

Request please that:

- a) The Act is strengthened to protect and conserve native wildlife in their habitats and lessen the rate of threats to and extinctions of native wildlife;
- b) In the Act, replace ‘need’ with ‘**duty of care**’—by regulators, all sectors of the community and visitors on **all** environmental impacts, not just pollution—to halt and prevent extinction of wildlife;
- c) This review recommends targeted action to reduce the numbers of feral animals and pests across Victoria and thus reduce impacts of feral animals on native wildlife habitats and species. This matters, most natural areas of Victoria are invaded by feral horses, deer, dogs, cats, pigs, etc, and left to multiply.
- d) This review to recommend better education and information, about native wildlife extinctions thus far and how to prevent further extinctions, is provided to all sectors of the community and to new arrivals.

interests in sustainable use of, and access to, wildlife

Request please:

- a) The preservation of *native* wildlife and their habitats must have priority in this Act, rather than the ‘interests’ of some in the human community for illegal or legal hunting, eco-tourism or other purpose.

- b) In particular, shooting of native waterbirds is best discouraged in the Act because of harm to the birds and other wildlife and wetland habitats.
- c) Also, tourism based on hunting native wildlife is best discouraged in the Act.

the role of wildlife in the cultural practices and beliefs of Traditional Owners and Aboriginal Victorians

Agree: It is important to include such consideration in this review, thank you.

the impact of wildlife on agriculture and other activities

Request: Rephrase this consideration to read: '*the impact on native wildlife of agriculture and other activities*', so that the emphasis is impact on wildlife.

the impact of eco-tourism and other activities on wildlife

Agree: It is necessary that this review covers how eco-tourism and other human activities, small or large, affect the welfare and survival of native wildlife in any area—urban, peri-urban, rural, all waters. This review could recommend stronger regulations to limit harm to native wildlife.

the benefits of activities which foster an appreciation of wildlife

Comment: Nature and wildlife walks in small groups do foster understanding and appreciation of wildlife. Conversely, wildlife habitat can be 'loved to death' when a place or activity becomes overly popular.

Suggest: This review recommends restrictions on the type of activities and numbers of people.

emerging issues affecting wildlife protection and conservation, sustainable use and access

Comment: This review could recommend in the Act or other legislation:

- a) Better national and state border quarantine of introduced animals/organisms;
- b) Better regulation/information/education about release of pets into the environment.

any gaps due to changes to other legal frameworks or policy settings

Comment: This review could consider planning zones/land use changes/water access/resource extraction.

insights from reviews of similar legislation. No comment.

the most appropriate and effective way to encourage compliance and punish wildlife crime. Refer to comments above.

The Panel will focus on the terms of reference. No comment.

Otherwise, I wholeheartedly support the two excellent submissions by Environmental Justice Australia-Humane Society International, and Victorian National Parks Association, both organisations that I respect.

Thank you for this much-needed review of Victoria's Wildlife Act, and for the opportunity to comment. I look forward to better protection and conservation of native wildlife in Victoria.

Yours faithfully

Nina Earl

Active member of:

City of Kingston-run Friends groups x 4: Mordialloc Catchment (Mordialloc Creek, Yammerbook Nature Reserve, Epsom Grassland and Wetland Conservation Reserve), Bradshaw Bushland Reserve

City of Kingston Public Spaces and Environment Advisory Committee

Mordialloc-Beaumaris Conservation League

Kingston Conservation and Environment Coalition

Kingston Residents Association

Member of:

Friends of Braeside Park (Parks Victoria)

Friends of Edithvale-Seafood Wetlands (Melbourne Water)

Environmental Justice Australia (Victoria)

Australian Conservation Foundation