

Wildlife Act Review

Issues Paper questions – Response 7:

Contributor: Individual

Primary interests:

- Protection and conservation of wildlife and habitat
- Management and control of wildlife causing problems or damage
- Rehabilitation of sick, injured, and orphaned wildlife
- Wildlife welfare
- Protection for marine mammals
- Research relating to wildlife
- Offences and penalties relating to wildlife
- Compliance and enforcement
- Traditional owner cultural values and use of 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.

The act largely regards Victoria's wildlife as resources to be plundered or shot, and acts more to regulate and protect stocks of game (like invasive deer) than protect habitat and biodiversity. Native Wildlife should be seen as having its own inherent value that is protected by law to the extent that no net loss of native biodiversity should ever occur in the State - so much has been lost already, and our laws should serve to help mend those losses and raise biodiversity. The Act should be primarily concerned with protecting and enhancing native Biodiversity, and should only reference invasive species like deer to the extent of minimising (or ideally fully stopping) their negative impacts on native ecosystems and preventing further incursions of exotic species. The Act should also recognise the integral part in the management of native ecosystems played by indigenous Victorians, and seek to give a platform to indigenous people to lead Victorians in understanding the traditional management of our animals and the community value those animals had and still have.

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.

It certainly seems that there is a conflict between the goals of VicForests and DELWP's plans for biodiversity 2037. While the official strategy is to preserve and enhance biodiversity, VicForests regularly illegally logs and clears native old-growth forests without proper permits or offsets and without being reprimanded whatsoever. There needs to be much stronger regulation, and the authority to regulate and reprimand needs to be universal - it should apply in-house too.

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?

While I recognise that other Victorians may not value native biodiversity as much as I do, it's important to consider that once habitat and biodiversity is lost, it becomes exponentially harder to

replace. Removing or failing to protect native habitat and species may seem to align with the interests of some present day Victorians, and they're entitled to their perspectives, but once that habitat or species is lost, it's often impossible to bring back. When talking about our native species, it's important to remember that the decision not to protect a species or a habitat, even if that's currently the more popular option, denies all future Victorians the ability to choose. Once something is lost, it can't come back. Regardless of opinion, legislation must always at the bare minimum ensure that all our native species are present for future Victorians to also protect, conserve, manage and use to ends that they see fit.

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?

A general duty of care could be as general as to ensure no net loss to biodiversity, and it would be incumbent on the parties planning works / activities / uses to prove that their acts don't have a negative impact, or be liable to a fine / forced to provide an offset greater than their impact, etc.

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

I think so. Protections for wildlife, plants and fungi and management of invasive species and other threats all relate to each other, and would represent a stronger and more complete vision for the overall management and enhancement of biodiversity if there was a statute specifically for that purpose.

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

No more habitat can be lost for native species, and the Act should provide guidelines for enhancing and growing habitat.

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

Absolutely. Landowners need to be liable for the destruction of wildlife that occurs on their property.

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

Rather than viewing wildlife as something that are the property of landowners, landowners should be seen as having a duty to wildlife. Provisions and support for landowners to enhance and expand native habitat on their property should be outlined, as should provisions and support for landowners to control, destroy and remove invasive species.

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

Penalties for the destruction of native wildlife should be sufficient to fully cover the costs of the rehabilitation of 1.5x - 2.5x the number of individuals of a species affected, depending on their conservation status. For example, if 20 native eagles were killed, the offender would have to pay for the establishment of habitat and conservation work for 30 - 50 eagles.