

Submission into The Independent Review of Victoria's Wildlife Act

I am writing to express my deep concern about Victoria's Wildlife Act of 1975. I have lived in a semi-rural area adjacent to Melbourne for many years, and am passionate about the local flora and fauna in the area. I am a member of a local friends group which has been involved in revegetating a nearby creek with indigenous vegetation for the last 30 years. I am also an active participant in a number of environment and climate groups – I am the convenor of a climate lobby group which is involved in lobbying local government for declaration of a Climate Emergency, and am an active member of our local branch of Extinction Rebellion. I am also a member of community groups that actively campaign for an end to the continued logging of native forests in the Central Highlands of Victoria.

Key issues concerning the operation of the Wildlife Act.

In this submission I plan to speak to two areas of concern relating to the operation of the Wildlife Act:

1. The Wildlife Act protects exotic invasive species like deer as protected game animals despite the significant damage they do to wildlife habitats around the state.
2. Current enforcement and compliance mechanisms of the Act are inadequate to protect our endangered wildlife from the threat of extinction.

1. Feral deer

The Invasive Species Council states that *more than a million deer now trample Victoria's national parks, high country, coastal country and the Mallee, and yet the Victorian government is yet to list them as a pest animal <https://invasives.org.au/our-work/feral-animals/feral-deer/>. This Council goes on to say, *feral deer are transforming the state's native ecosystems. The impact of more than one million deer on the biodiversity of natural landscapes in Victoria is substantial. As well as competing with native animals, degrading waterways and spreading weeds, serious damage is being caused to very sensitive ecosystems such as alpine bogs, rainforest and coastal areas.**

I myself have observed first-hand the damage that deer do to the remnants of our native vegetation, which results in the decline and disappearance of many indigenous plant species, and the increase in weeds. There are areas along the Yarra that have become quite denuded over the years - much more open than previously and far fewer orchids, lilies and small herbs. The deer also rip off the branches of the small acacias such as acacia acinacea and acacia genistifolia, and trample the damp creek areas, making it hard for melaleucas and other riparian plants to survive or germinate. A particularly sensitive wetlands area on the border of Eltham and Warrandyte, known locally as Glynn's wetlands, has been extensively damaged by deer trampling on the surrounding reeds, and increasing the turbidity of the water to such an extent that frogs are discouraged from using this as breeding habitat.

2. Failure to Halt Mammalian Extinction Rates

The [World Wildlife Fund](#) states, *Australia has the worst mammal extinction rate of any country in the world, and the catastrophic bushfires of 2019-20 impacted nearly 3 billion animals and have pushed many more of our precious wildlife on the fast-track towards extinction. Now more than ever, our wildlife needs our protection.*

In view of this, one has to question whether current enforcement and compliance mechanisms for infringements of the act are adequate. It would appear that the current enforcement and

compliance framework regarding wildlife contains inadequate penalties and sentences to punish and deter offenders. In some cases, offenders are exempt from the legislative provisions to protect wildlife.

At present, VicForests is exempt from federal environmental laws such as the Environment, Biodiversity, Protection and Conservation Act, and has minimal obligations to put measures in place to protect threatened wildlife. In a recent court case, the full bench of the Federal Court overturned the landmark win in the Leadbeater's Possums Case on one ground, on the basis that *logging has a wide exemption from federal environment law even when conducted in habitat critical to the survival of wildlife facing a high risk of extinction, and in breach of state law* (my italics). Key findings in the original 444 page-judgment included that logging is permanently destroying habitat critical to the survival of the Leadbeater's Possum and Greater Glider, is a cause of the decline of important populations necessary for their long-term survival, and that current reserves are inadequate to protect the species from their high risk of extinction.

<https://www.envirojustice.org.au/landmark-federal-court-win-in-possums-case-overturned-on-basis-that-logging-remains-exempt-from-federal-environment-laws/>

The original judgment also found that logging in the 66 areas subject to the case was in breach of Victorian environment law, and in just 17 of the areas investigated, up to 600 Greater Gliders may have been impacted and killed by VicForests. The fact that both the state and federal environment laws are inadequate to prevent the continued devastating impact of logging on our threatened native wildlife seems to indicate that the Wildlife Act of Victoria (and the federal EPBC) are grossly lacking in the enforcement capability to ensure that offenders comply with the existing legislation. Furthermore, any attempts to call agencies such as VicForests to account for their ongoing violations of state environmental laws are dependent on community volunteer groups such as [Wildlife of the Central Highlands](#), [Friends of Leadbeater's Possum](#) and [Kinglelake Friends of the Forest](#) instead of the authorities specifically set up by the State Government to regulate such infringements, such as the Office of the Conservation Regulator. The OCR is notoriously ineffective at controlling illegal logging by VicForests, and has on more than one occasion [failed to take steps to prosecute VicForests for significant infringements](#).

I have witnessed at first-hand the devastation that logging native forests causes to the mountain ash environments of the Central Highlands, ecosystems that are in the process of collapsing. Renowned forest ecologist Dr David Lindenmayer has described in detail how this process occurs. He states, *Collapse is indicated by marked changes in ecosystem condition, particularly the rapid decline in populations of keystone ecosystem structures. There also has been significant decline in biodiversity strongly associated with these structures and disruptions of key ecosystem processes. In documenting the decline of the Mountain Ash ecosystem, we uncovered evidence of hidden collapse. This is where an ecosystem superficially appears to be relatively intact, but a prolonged period of decline coupled with long lag times for recovery of dominant ecosystem components mean that collapse is almost inevitable.* <https://www.pnas.org/content/115/20/5181> This is a slowly unfolding tragedy caused by climate change, increased bushfire severity and logging, and is heartbreaking to witness. To contemplate the fact that these iconic forests, and the creatures that depend on them for their survival, are at risk of disappearing, is unspeakably sad, and an indictment on our State's management of its precious natural heritage.

I call on the Victorian Government to address the abovementioned concerns in its review of the Wildlife Act of 1975, to ensure that feral deer are able to be controlled in a way that protects our irreplaceable indigenous flora and fauna, and also to strengthen enforcement and compliance mechanisms to provide suitable deterrents to, or punishment for, damage inflicted on our wildlife and their habitats.