

## Wildlife Act Review

### Issues Paper questions – Response 38:

Contributor: Individual

#### Primary interests:

- Protection and conservation of wildlife and habitat
- Rehabilitation of sick, injured and orphaned wildlife
- Wildlife welfare
- Offences and penalties relating to wildlife
- Compliance and enforcement
- Traditional owner cultural values and use of wildlife
- 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.**

How can the current Wildlife Act as it is, be up to date as it is over 45 years old. I have read through the Panels Issues Paper and there are so many things wrong with it it is hard to know where to start. It is a start but nowhere near where it should be. It is supposed to protect wildlife but as humans we are failing miserably. Wildlife is still mistreated, killed, abused, used and made extinct. So this is where we are at. I think if the Act was doing well then why are we still hurting wild animals and inadequately protecting them? I personally feel that the Act should grasp the idea of "do no harm". It is time for preservation. Humans have to put their need for hunting and land clearing aside. Humans are destroying wildlife families, homes and habitats. Each species relies on other species. The ecosystem is fragile and needs to be protected and preserved at the highest level. When I see an animal in its own environment, such as the yellow-tailed cockatoo that I saw a few weeks ago in Lincoln Park Essendon VIC. Firstly I say to myself oh that are back, they were here this time last year. I see 3 of them, one is grooming one on one side then jumps over to the other one and grooms his mate. I stare intently in amazement, I see its beauty, it is a sentient being. It's sitting there high up in the tree, just so content. There was another woman there too, admiring its beauty. She said, "I could look at them all day, they are just gorgeous." I said, "Yes, it makes you realise how important their habitat is." They looked so happy and peaceful.

##### **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.**

Yes as some Victorians want to kill wildlife others want to preserve it and protect it. For example, Victorian Minister Dan Andrews allowed 3 weeks of duck shooting when the majority of Victorians are against it and during a COVID 19 lockdown. There are other protected birds out on these wetlands who end up being killed and/or injured in the crossfire. Such as Pacific Black, Grey Teal, Mountain, Australian Wood, Australasian Shoveler. The Orange Belly Parrot is also in the middle of a duck shooting area. Duck shooting continues in Victoria even though waterbird numbers in Eastern Australia have fallen by 90% in the past forty years. They are often left to die and are not even

picked up. One Man was videotaped letting his dog retrieve a bird and bring it back to the shooter, meanwhile behind a tree allowing his dog to cruelly bite at a live duck, this was taped and shown by Animals Australia. Where there are acts of violence there is going to be cruelty. So in conclusion the Wildlife Act does not do enough to A. Prevent Acts of Cruelty even though it should. B) Lets people obtain licences to shoot wildlife. A complete conflict of interest.

**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?**

When it comes to Act preserving wildlife I think yes protecting, conserving, fits, however, there is no "using wildlife" and "managing wildlife" is underwhelming. It defeats the purpose of this Act. I honestly think "using wildlife" has to be dropped from the Act otherwise yes you are going to have continuing conflicts/competing interests. Yes, I know this is the real world. There are so many organisations that have had their input into the Act, which is confusing as they are at the opposite ends, For example, people protecting and conserving, wildlife carers, then at the other end, you have agriculture and hunting. So to make it in wildlife's best interest, yes it would be better reconciled in legislation, however, the present laws for offences and penalties for animal cruelty in Australia and the Vic state are redundant. A judge and jury's hands are tied the penalties need to be harsh, at present it's a slap on the hand. And there comes the community outrage. Laws need updating and penalties need updating. Higher points, higher financial fines, more prison time not 10 days, make it 10 years. It's too easy to get a gun license, too easy to poison animals on a farm. There is no tracking system. All you have to do is fill out a form, who is going to govern the farm owner/landowner to see what he or she does? And how other animals that are in the same environment as the "problem" going to become harmed as well. Yes one example that may be useful, NSW has offered a penalty that is way harsher than Victoria and this state could benefit from this Act (I have taken this from page 31 of your Issues Paper) the Biodiversity Conservation Act 2016 (NSW) (s 2.4) makes it an offence to damage the habitat of threatened species or ecological communities and carries a maximum penalty of 2 years' imprisonment or \$1,650,000 for a corporation or \$330,000 for an individual.

**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, it's confusing and conflicting, some wildlife is protected some are not.

**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, I think it should, they should be included especially surrounding conservation.

**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?**

Yes, definitely I think that Traditional owners/Aboriginal Victorians should be involved in the decision making. Some of them have special skills in fire prevention, flora and fauna, they have a spiritual connection with the land and wildlife. They would defiantly have valuable input that could benefit conserving wildlife.

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

Yes as some species would be protected due to their cultural significance and are to be protected and not eaten

**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?**

I don't agree that anyone should have any special rights to use wildlife and no I don't think it should support commercial use of wildlife regardless of culture

**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 love this idea because we all have a responsibility to protect and preserve the land we live in. To get it to work in practice may be another thing, so perhaps support from your state and government and introduce penalties

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

Yes they should be protected under the Act otherwise they will be treated cruelly and it will be fair game. Just because they may not be endangered or Native to Australia does not mean they don't get scared and don't feel pain. All animals are sentient, they feel joy and have family connections. It does not give anyone the right to shoot them, bash them over the head, run over them and torture them.

**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 if it is the name of conservation and protection absolutely. The goal would be to provide habitat and biodiversity and increase wildlife populations. -Plant native trees and flowers - Do not denigrate the land - If the land is suitable you could rewilder the land - Keep an eye on what wildlife is in your area - Back-burning to prevent wildfires - Protect rivers if they are near your property

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

Yes as I don't view wildlife as property. It is an outdated term. They are there for everyone to enjoy, not use them as you wish

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

No, for example - A private landowner could get a permit to kill kangaroos and joeys how is anyone going to know what and how they are killed. Where is the accountability if it is a property far away from a town and is very rural. They should have even fewer rights. They can poison foxes and rabbits and ending up killing birds that feed on them, No it would be a disaster worse than it already is. There is already illegal land clearing and Koalas being killed no no-no.

**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?**

Yes, 100%. All wildlife are sentient beings. They have families, mating rituals, leaders, codes, they feel hunger, pain, joy and sadness. They even experience depression. If all wildlife were considered sentient then the Government would have to recognise this and it would change the way in which they are treated enormously. I think the responsibilities and rights of everyone would change.

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

Yes, the community should always have a chance for consultation. For example, if any group or organisation or Government are planning on killing a family of any species, the community should be consulted before it goes any further so they can have an expression of interest. The community would be outraged and furious if certain wildlife were to be harmed without their prior knowledge, For example, Brumbies, Kangaroos

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

The Act has to be 100% transparent, which means the community needs to get involved. It's everyone's earth, not just one Government or organisation or group. There could be a clause in the act where it says the community must be consulted (so many months in advance) before x, y, z is actioned. The community has so many months to oppose this action.

**4.2.1 Should the Act include provisions that require and enable establishment of a scientific advisory committee or advisory panels to provide expert guidance to key decision makers such as the Minister, the Secretary or the regulator on specific matters relating to wildlife? Why or why not? What other approaches are available?**

Yes, it should, however currently Ministers are advised and they go ahead and do what they want anyway, who governs the Government. So it is failing already. How do you override the Government? Again it should be put to the public to have their say. Look what happened to the I've exports of sheep and cattle. The Government was advised that it as it currently is was not right, they were advised by an independent. And they ignored the advice.

**5.1.1 Should the Act include other offences?**

No, the current enforcement and compliance are far from adequate it's a disgrace. It is not going to deter a person from hurting an animal if you only get fined a few hundred dollars and serve a few days in prison. Some people that harm animals will go on to harm other people. It does not give enough power to a judge to punish appropriately, the penalties need to be harsher. So the penalties need to be updated and fit the crime that has been committed. Yes, the Act should include all types of possible offences that can occur.

**5.1.2 Should any offences be repealed?**

No, not if a person has intentionally harmed wildlife no.

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

NO

**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 of course a person should be able to tell an offender what they have done and how it has impacted them. It may be life-altering to that person who loved that wildlife and I'm sure it would impact them greatly. I love animals and If someone went and killed or hurt wildlife that I enjoyed every day I would be devastated.

**5.4.2 Should the Act contain specific provisions to guide sentencing of offenders convicted under the Act?**

Yes, that way a judge and the prosecution would have more power to sentence appropriately.

**5.5.1 Should the Act contain civil penalty provisions? If so, what penalties should be included? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?**

Yes, if they can't prosecute through criminal court then they have another option to prosecute through civil court.

**5.5.2 Should the Act allow for infringement notices for minor offences? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?**

Yes, the more power the state has to prosecute and stamp down on wildlife crime the better.

**5.5.8 Does the Act contain adequate regulatory tools, sanctions and remedies to punish and deter wildlife crime? If not, what additional tools, sanctions and remedies should be included within the Act?**

No, it does not as I have stated previously, the penalties are not harsh enough, they need to be serious. Offences to wildlife whether it be the wildlife trade, killing, poisoning, shooting, animal cruelty, or wildlife tourism - , all need to be taken seriously and the punishment must fit the crime. The way the act is now the penalties aren't going to deter a person if they know the law and know how to play the law.

- Update the law
- make each offence equal to the punishment
- Give judges more power to sentence adequately
- CCTV
- Signs stating what will happen if you commit an offence