Duty of care.

The concept in of itself is sensible, both at an individual and statutory level. Problems occur with how to give it practical effect, especially when it conflicts with property rights, either perceived or actual.

For example, I would argue that meeting the requirement that *'a person who is engaging in an activity' to proactively prevent and minimise risks of harm to the environment and human health from pollution and waste 'so far as reasonably practicable'* essentially precluded cat ownership, recreational bush motorcycling, and it might also capture farming activity where that activity contributes to nutrient run-off. In each of these cases the externalities are not priced in; be they wildlife mortality, environmental disruption or environmental degradation and aquatic life loss. The individuals engaging in these activities do not generally consider their impacts on the environment, no matter how much encouragement they receive. They are motivated by love (cats), mental benefits (motorbiking) or money (agriculture), not by environmental benefits. If their activity were stopped, how would they be compensated? Wildlife (and wildlife habitat) would be better off without all three, but none will end (or has yet ended) with an aspirational encouragement to consider environmental harm.

The other stakeholder group disproportionately affected is those whose lives intersect with the wildlife on a daily basis (like me). As a farming practitioner whose property is close to state parks and in the peri urban area I have to balance routinely the economic necessity of my farming activity with the culling of deer, discouraging large populations of eastern grey kangaroos settling in, and the riparian revegetation we undertake to attract more vulnerable wildlife and improve water quality not becoming a playground for roaming domestic (or feral, though these seem a smaller problem) cats. It seems that I carry the greater duty of care to the wildlife hosted here than deer shooters, the State who runs the parks that an overpopulation of kangaroos seeks refuge in (but doesn't generally eat in), and the cat owners.

I actually support the idea of reform of the law will provide such a duty of care. However I stress it is important that the duty is distributed evenly across those who *cause* the problems and not just those who have to host them. Its very easy to get majority support for a ban on kangaroo culling amongst the good people of Northcote, as they bear no economic or other loss from such. Similarly, efforts to control cat populations meet stiff resistance, as I assume a lot of cat lovers also vote. Deer are just an environmental pest and destructive nuisance and should be declared feral, and the same can also be said for about half the people who hunt them in my experience.

Humour aside, this is an important point; you can't just inflict the pain on those hosting the wildlife. The wildlife has a right to be there (in a general sense), but farms can only host limited numbers of large herbivores, grain eating birds, fruit eating possums etc. Management is required. For example, Kangaroo over populations will either displace domestic livestock production or contribute to overgrazing. There is an economic cost in both cases.

I restate that I actually support the idea of reform of the law will provide such a duty of care. But above all, the costs of these decisions to extend the duty of care, should they proceed, need to be borne proportionally.

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

"Declared" game is a ludicrous category that should end immediately. Pheasants and partridges on crown land should have the same status as foxes and rabbits; they are displacing indigenous fauna. As are deer and other exotics. Private landholders might financially benefit from hosting shoots that also assists control these pests. We do need to leave behind the attitudes of the acclimatisation society's of our post European past.

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

Game on crown land is actually just a feral and invasive pest. There needs to be special consideration to the commercial production of game (deer, pigs, quail etc) so just declaring them as feral or pest animals is not a sufficient regulatory approach. Therefore a requirement for its own Act would appear prudent.

On the educative front, common practice amongst game hunters is trophy hunting whereby other targets of opportunity (females, young) are ignored. This is not effective pest animal management and perhaps bounty systems may improve management.

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

Currently, authorisations under the Act to control or manage wildlife that cause damage (Authorities to Control Wildlife or ATCWs) can be issued only to the property owner for damage that occurs on a specific property, while the impact on a species can be cumulative within its natural range.

This cumulative impact can be problematic in peri urban areas, where lifestyle purchasers who like looking at kangaroos, and don't require an economic return from farming, are quite happy with and often oblivious to the damage caused (mostly) by kangaroo overpopulations.

The regulation needs to address the natural range as a factor for consideration.

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

Being Skippy should not in and of itself be a qualified reason not to grant an ATCW. Regulators need the powers to consider the cumulative effect of distributed populations and that individual landowners cannot provide "habitat" into which populations can retreat (as that landowner believes the kangaroos are now "their property") only to return and cause more damage to the neighbour the following day. See below.

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

I do not support granting some private property rights to landowners over wildlife on their property. Does that right transfer to the neighbouring properties as the wildlife moves about its natural range? Does that property right give the owner the right to confine the wildlife? I see the entitlement to own or transfer such a property right as problematic.

I do support granting property rights for the creation, maintenance and preservation of wildlife habitat on private property, as it is providing essentially the same financial incentives to protect

habitat and increase the distribution and abundance of wildlife species on the private land. In such an arrangement the landowner can then monetise the presence of wildlife. This approach has been successful in the UK.

Wildlife should remain the property of the crown.