

Submission to The Independent Review of Victoria's Wildlife Act 1975

Friends of Bats and Habitat Gippsland

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About Friends of Bats and Habitat Gippsland

Friends of Bats and Habitat Gippsland formed in 2018 in response to concerns about the removal of the roost trees of the nationally significant Grey-headed flying-fox colony in Bairnsdale¹ by East Gippsland Shire Council under the approval of the Department of Environment. We are a diverse group of over 200 residents of Gippsland and beyond with representatives from local Landcare and environment groups. We advocate for protection, conservation, research, innovation and education for bats and their habitat across Gippsland and beyond. We monitor and survey microbat and Grey-headed Flying-fox, *Pteropus poliocephalus* roost sites and forest foraging areas across Gippsland.

The biggest threat to wildlife is the loss of habitat

The purpose of wildlife legislation should be to protect native species, and not sanction their decline. Australia is currently leading the world in the extinction of mammals and is ranked fourth when it comes to the extinction of all species. This is no time to be legally authorising the killing of thousands more native animals or for the sanctioning of their habitat to be destroyed

We are watching Grey-headed flying-foxes go extinct. The destruction of Victoria's east coast native forests is directly threatening the ability of one of the keystone forest pollinators, the Grey-headed Flying Fox to roost, find food, and survive. We have deep concerns for the wider implications of the health and sustainability of native forests in this region, and the entire east coast if Grey-headed flying-foxes are removed from the landscape, or they become unable to travel across the landscape as roost sites and foraging areas become more fragmented and less reliable.

Logging, bushfires, industrial scale landscape-wide planned burns and drought resulting from land clearance and climate change has reduced the availability of foraging habitat for Grey-headed flying foxes. In 2019/20 we witnessed catastrophic east-coast mass starvation events followed by extreme heat that resulted in a conservative estimate of over 75,000 deaths of Grey-headed flying foxes.² We are still to witness the effects on this species of losing so much habitat from 2019/20 fires. In recent decades, extreme heat events have occurred more frequently and kill flying foxes in epic proportions. Heat events are made worse by flying foxes forced to roost with limited protection in substandard habitat in urban environments.

Threats to Grey-headed flying foxes are a threat to biodiversity because east coast forests rely on flying foxes for effective reproduction. Grey-headed flying foxes are called an *umbrella species* because over one hundred native east coast trees and shrubs rely on flying foxes for effective reproduction.³ Between pollination and seed dispersal, a colony of flying foxes is an engine of biodiversity.

Grey headed flying foxes have been a very visible species that we have witnessed die in the past couple of decades, but so many other native species have been quietly disappearing away from public view.

¹ Australian Government Department of the Environment, *Nationally Important Camps of Grey-Headed Flying fox* <http://www.environment.gov.au/system/files/pages/0f6f5576-50e8-4e02-be7c-18e7d3ad7f23/files/map-greyheaded-flying-fox-nationally-important-camps.pdf>

² *Estimating flying-fox mortality associated with abandonments of pups and extreme heat events during the austral summer of 2019–20* Matthew Mo et al. *Pacific Conservation Biology* - <https://doi.org/10.1071/PC21003>

³ Les Hall and Greg Richards, *Flying Foxes: Fruit and Blossom Bats of Australia*. University of New South Wales Press Ltd., 2000

To protect wildlife, we must protect their habitat . The biggest drivers of habitat destruction are bushfires and the Government agencies of logging and planned burning.

Victoria is already Australia's most cleared state. Over 1.4 million hectares burnt in the recent tragic fire season. This comes in addition to planned fire increasing significantly in recent years, with around 740,000 hectares across the state treated in the last five years alone.

Due to so much recent fire in the landscape, there are very limited areas of mature and old-growth forests remaining. Vast areas of our temperate forests are being homogenised into young post-fire regrowth; regrowth which is often more flammable than older forests.

In the highly impacted Gippsland region where rainforests and other areas with no recorded fire history have now been burned, patches of unburnt and partially burnt vegetation both within and outside the boundaries of the fires must be protected.

*“These unburnt refuges are of profound importance for species' recovery, and should be the immediate and ongoing focus for conservation management. For many years, they will be the only 'mature' habitat patches within extensive landscapes, and hence require protection from subsequent burning.”*⁴

Planned burns

Each year, the Gippsland Fire Management Strategy will require approximately 80,000 to 90,000 ha of forest within Gippsland to be burnt in planned burns. Approximately 50% of this area will be placed in Asset Protection Zones and Bushfire Management Zones, designed to be burnt every 5-8 years with 80%-100% burn coverage.⁵ National Parks and Reserves are not protected from planned burns and have taken 50% of planned burning targets in the past decade.

The Department of Environment, Land, Water and Planning (DEWLP) that plans and performs the burns doesn't monitor what happens afterwards. DEWLP doesn't return to the site of its fuel reduction burns and record what has eventuated – not after one year, not two or, most importantly, not a decade or so into the future. Two recent independent inquiries have brought DELWP's fire management regime into question. Among issues raised in the Inspector General for Emergency Management's report was the observation that: *“Even with an extensive fuel management program, bushfire risk remains as the vegetation regrows.”*⁶

Planned burns in critical unburnt forest refuges must be paused immediately and reviewed, both for efficiency in stopping bushfires and for the ecological damage they cause. Habitat is severely compromised by fuel reduction burning, by the destruction of understory vegetation, ground litter, hollow bearing trees and food resources. Eucalypts in East Gippsland have been observed not flowering for up to 18 years after planned burning.

⁴ *After the catastrophe: A blueprint for a conservation response to large-scale ecological disaster January 2020.* Threatened Species Recovery Hub of the National Environmental Science Program

⁵ *Gippsland Bushfire Management Strategy 2020* Department of Environment, Land, Water and Planning 2020

⁶ Inspector General for Emergency Management, *Summary of Department of Environment, Land, Water and Planning bushfire fuel management 2017-18*

A 2016 DEWLP project study in East Gippsland on fire and hollow bearing trees has shown that areas of mapped fire coverage in planned burns have destroyed 19% of habitat trees and 27.9% of habitat trees were more likely to collapse if the base of the tree is reached by fire.⁷

Given that 30% of all birds, mammals and invertebrates require hollow bearing trees and that hollow bearing trees take between 120-150 years to start to form hollows, this burning regime is catastrophic.

Logging

The government logging agency Vicforests are now logging the remaining long unburnt refuges of forest that didn't burn in the unprecedented Gippsland bushfires of 2019/20.

Logging native forests is creating more fire prone forests. Logging dramatically [changes forest structure](#)⁸, making them more vulnerable to bushfires. And, crucially for the Black Summer bushfires, logged forests are more likely to [burn out of control](#).

Regrowing logged coupes will not produce blossom for up to 20 years and will never live long enough to form habitat hollows. These coupes are dead zones for nectar and hollow dependent species. Many areas of regrowing logged coupes in Gippsland have been completely destroyed by repeated bushfires over the past decades and have been converted to grasslands complete with feral animals and weeds.

If we are serious about protecting wildlife, logging native forest needs to end immediately.

Examples of how the current Wildlife Act is failing native wildlife.

- It provides no direct protections for wildlife habitat and no protection for foraging areas for mobile species such as Grey headed flying foxes under the legislation.
- It protects exotic invasive species like deer as protected game animals despite the significant damage they do to wildlife habitats around the state.
- It allows wildlife to be declared as unprotected which, at one stage, had the perverse outcome of wombat shooting being promoted as a tourist attraction.
- It allows for the destruction of native wildlife through a highly non-transparent Authority to Control Wildlife permit system, as well as the commercial harvesting of kangaroos for pet food.
- It has weak penalties for those individuals and organisations who commit an offence under the Act.
- It treats some native wildlife, such as ducks and native quails, as sport for recreational shooters.
- The Act is weak when it comes to actually prosecuting illegal acts of harm to wildlife. Recent appalling incidents of the illegal poisoning of Wedge-tailed Eagles and the bulldozing of koalas met with little to no penalties.

⁷ *Reducing the effect of planned burns on hollow-bearing trees. Fire and adaptive management report no. 95* Lucas Bluff. Victorian Government Department of Environment, Land, Water and Planning, Melbourne, February 2016

⁸ <https://news.griffith.edu.au/2021/02/10/logging-and-thinning-of-forests-can-increase-fire-risk/>

Recommendations

- Wildlife should not be considered as property at all; rather, the law should recognise inherent rights in wild animals (wildlife and nature as legal subjects).
- Under the Wildlife Act, habitat must be protected, in particular within state forests, parks and reserves.
- Native forest logging operations should not be exempted from damaging, disturbing or destroying wildlife or their habitat.
- Government planned burning operations should not be exempted from damaging, disturbing or destroying wildlife or their habitat.
- Grey headed flying fox roost sites must have greater protection as critical habitat for threatened species.
- Foraging areas for wildlife must be protected as well as roost and nest sites, in particular within state forests, parks and reserves.
- Hollow bearing trees must be recognised as critical habitat and given appropriate protection across the landscape, in particular within state forests, parks and reserves.
- The Act needs to increase protections for wildlife and wildlife habitat by providing new tools such as “wildlife protection zones” and “wildlife protection orders” and by upgrading to legislation the current regulation that a person or organisation is “not to damage, disturb or destroy any wildlife habitat”.
- The Authority to Control Wildlife System needs to be reformed so that clear principles are followed and so that there is far greater transparency, monitoring and enforcement, which actually protects native wildlife, not just regulating killing.
- Protections for exotic invasive species like deer need to be removed. A Senate inquiry has called on all states to register deer as a pest species – we must unprotect the estimated 1 million deer in Victoria.
- An independent statutory regulator should be established to enforce the Act, along with a dramatic increase in penalties, including prison.
- All native wildlife should be defined and protected as native wildlife, including native ducks and quails, currently open for recreational hunting
- The idea of a “general duty of care” should be supported – a duty to “avoid harm” to wildlife could help to minimize incidences of wildlife being treated as collateral damage.