

Wildlife Act Review

Issues Paper questions – Response 35:

Contributor: Organisation – Bendigo and District Environment Council

Primary interests:

- Protection and conservation of wildlife and habitat
- Wildlife welfare
- 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.

A fuel reduction burn was proposed in a section of Regional Park in Mandurang on the outskirts of Bendigo. This bit of the Regional Park was part of the Brush-tailed Phascogale recovery program and included dozens of nesting boxes. The burn was objected to on the grounds that food sources for the tuans would be destroyed and mating scent trails would be obliterated. The burn went ahead. There was no provision for an appeal. The review of the Act should include an appeals mechanism for actions that will be deleterious to native wild life or their habitat.

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.

The example cited in 1.1.1. shows a clear conflict between the government department in charge of fuel reduction burns and the best interests of native wildlife.

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?

The intent of the Act is clear in that it aims at protecting introduced species for hunting, and ensuring that there are adequate numbers of prey for that purpose. The Act has been extremely successful. In 1975 the population of deer in Victoria was quite small. It is estimated that there are now over 1 million deer in Victoria. They do enormous damage, with trampling wallows and vegetation destruction. This review. of the Act should remove their protected status, declare them an invasive pest species and introduce a plan to remove them from the environment. The purposes of the Act should be changed. Its primary purpose should be to protect and enhance the population of indigenous animals, and their habitat.

1.2.2 If objectives and purposes are likely to be competing, how could the tensions be resolved?

Where objectives and purposes are competing native wildlife and habitat preservation should be paramount. If uncertainty about outcomes exists the precautionary principle should be invoked.

1.3.1 Is the Act a barrier to self-determination for Traditional Owners or Aboriginal Victorians? If so, what specific elements give rise to barriers and how might these barriers be reduced or eliminated?

Traditional owners should be given the opportunity to be involved at all levels of management.

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?

Country and the wildlife it supports are an intrinsic and inseparable part of Indigenous Culture. This should be recognised in the Act, and views of First Nations peoples incorporated into the functioning of the Act.

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?

The Act should certainly not prescribe a role for Traditional Owners in decisions concerning conservation of wildlife. Surely the days of the white invaders dictating the roles of aboriginal people are over. Rather, First Nations people should be consulted at all levels about what they want their role to be.

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?

The Act should provide a general Duty of Care to indigenous wildlife and the habitat that supports that wildlife. This should be the overriding principle of the Act.

1.5.2 Should any additional animal species or taxa (groups of species) be included in the definition of 'wildlife' or 'protected wildlife'? Should any species or taxa be excluded and therefore be exempt from some provisions in the Act?

Protected wildlife, under the terms of the Act, be taken to mean indigenous wildlife. This would mean that native ducks and quail would be protected. No hunting season would be allowed.

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

As previously stated, game animals should be defined as invasive pest species.

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

Game management should not be regulated under its own Act. There should be no game in Victoria.

2.3.1 In what ways does the Act succeed or fail in protecting and conserving wildlife habitat? Please provide examples from your own experience.

See 1.1.1 The Act has proven powerless to prevent the slide towards extinction of Leadbeaters Possum and the Greater Glider in the Central Highlands of Victoria. It is subservient to the exemption provided by the EPBC act to the RFAs. This should not be the case. The clearing permit system is flawed, particularly for housing development. The stages of Avoid, Minimize, Off set as last resort does not preserve vegetation with Off set frequently used first. This does not create a net benefit.

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

The Act should insist that the one third of public land in Victoria be protected from continuing destruction. This means the immediate cessation of native forest logging. Only asset protection burns should be allowed in and around built assets. This act should impose a minimum of 20% open

space in plans for new developments, and sanction local councils imposing further open space for the protection and conservation of wildlife habitat.

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?

Two thirds of Victoria is privately owned. Each year there is a net loss of vegetation in Victoria. Victoria is the most cleared state in Australia. Landowners should be assisted to revegetate so that at least 30% tree cover is achieved across a region. Where the tree cover is greater than 30% that should be the minimum to which clearing is allowed. Land owners should be assisted to fence all riparian zones to exclude grazing. The recent move to allow the “right” of camping on private land along stream sides should be repudiated within the text of this revised Act.

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

Private land owners should have no rights to use wildlife on their property.

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?

All wildlife is sentient.

3.3.1 Should the Act enable wildlife management plans? What provisions should be included for such plans?

If, as should be, the revised Act is about the welfare of native animals it should provide for the development of management plans. Species most at risk should have their plight addressed first. Management plans should be acted on rapidly through adequate funding and expert input. The example of the Flora and Fauna Guarantee Act (1998) should not be followed. Many threats to wildlife and habitat have been recognised but there is a huge lag in developing management let alone implementing those plans.

3.4.1 Should the Act simplify and clarify the provisions relating to the various licences, permits and authorities? Is there scope to reduce regulatory burden without undermining the intended outcomes of the Act?

The authority to control wildlife gives permits to kill native animals. It is not transparent. There is no publicly available audit. Any permitted killing of native animals should only be allowed by government agencies, and only after exhaustive efforts to find non-lethal controls have failed.

4.1.1 Does the Act require an adequate degree of transparency about, and accountability for, decision making on matters relating to wildlife? If not, how could this be improved? For example, which activities/decisions/criteria should be more transparent? Which parties should be more accountable and for what?

AN INDEPENDENT STATUTORY REGULATOR SHOULD BE ESTABLISHED WITH SUFFICIENT FUNDING TO ENSURE THAT THE ACT IS IMPLEMENTED.

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?

The Act should have provisions that enable the establishment of an independent scientific advisory body to provide guidance to key decision makers such as the Minister, Secretary or Regulator.

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.

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