



## ***Portland Field Naturalists' Club Inc.***

The Portland Field Naturalists' Club was formed in 1945 out of concern for the future of biodiversity in the Portland region. Those founding members were small in number and up against significant 'development' odds, but history has shown they were right to stand up for the environment. The resultant suite of parks and reserves, proclaimed over subsequent years are appreciated by many people as well as the birds, animals and biodiversity they support.

The 2021 review of the Victorian Wildlife Act 1975 is an opportunity to bring legislation into line with community expectations, awareness and appreciation of the Victorian biodiversity as a global asset requiring the greatest protection, rather than as was the case immediately post World War 11 as a resource for exploitation or worse as a detriment to farming or industry. 'If it moves shoot it, if it doesn't cut it down' mentality.

Submission to Victorian Wildlife Act 1975 review 2021

### **Part 1.**

#### **1.1 Contemporary Attitudes to Wildlife**

Firstly we question the title of the Act. What is the definition of 'wildlife' covered by the Act. We were astounded to learn that feral deer were covered by the Act as being independently sustainable in the wild. We expect the Act to provide protection to **native** wildlife which in our view should cover **all forms of biodiversity native to Victoria** and in some cases species endemic to specific regions. We believe the categories outlined in 1.5 do not go far enough. Terrestrial invertebrates, aquatic invertebrates, bony and cartilaginous fish, crustaceans, aquatic molluscs, echinoderms etc should also be covered by the Act.

We refer to the harvesting of pippy along the Discovery Bay coast. We understand this has been a grey area falling in between various legislations and government agencies. According to Birdlife Australia shorebird numbers have been decreasing and pippys provide food for local shorebirds as well as migratory species. The latter needing all the food they can obtain to sustain them on their long migrations. People have alternative food sources that do not directly compete with wildlife. The exploitation of this natural food source for these birds for commercial gain is immoral and does not fit the 'protection and conservation of wildlife' aim of the Act. It is our understanding that other areas in Victoria have been 'fished out' by the pippy harvesters and the regulating and enforcement of regulations is

onerous and difficult due to the remoteness of the site and the deviousness of the operators. Given the difficulties in policing bag limits and general behaviour of the harvesters, local extinctions are a real possibility and not in line with the aim of this legislation.

Feral animals and plants degrade the natural environment to the detriment of native species and should not be afforded protection under this Act.

Healthy eco-systems are inherently valuable in their own right, regardless of human interaction or interest and deserving of the highest possible protection. Thanks to the global education by people such as Sir David Attenborough, community knowledge, awareness and appreciation of the intrinsic value of the natural world has increased, as has the desire to protect the environment and its ecosystems from degradation and exploitation.

## **Part 2. How does the Act interact with other Legislation**

There seems to be merit in formulating an Act which has a much broader application similar to the *Biodiversity Conservation Act 2016 NSW* to cover flora, fauna, and land management at a landscape level.

2.1.3 If the definition of 'game' includes native species then it need to be regulated under the provisions of this Act, kangaroos for example. However for non-native species ie deer, pigs, goats, they should be covered by a Game Management Act in conjunction with the Animal Cruelty Act. The Act needs to stipulate criteria for species to be considered 'game'.

Native waterfowl should not automatically be considered game just because a small number of people want to exercise their blood-lust in shooting them. This is not a game and cannot be considered 'sport' given the inequities of the defenceless birds and the sophisticated weaponry of the shooters. To spray these terrorised and fleeing birds with high-powered shot causing pain, suffering and in many cases a slow death is not in keeping with the aims of this legislation nor the Animal Cruelty Act. This relic from last century should be relegated to the history books and not afforded an exemption from this legislation.

2.3.2 The Act could include responsibilities for local government and private landowners to protect and conserve wildlife and wildlife habitat on their land.

In the Portland region the local Manna Gums have been decimated due to over-browsing by koalas displaced by the blue-gum harvesting operations. Many of these Manna Gums are on roadsides and private land and their demise will have impacts on other species such as the White-naped honeyeater. Although the latter is not endangered it is the cumulative effects of such habitat loss that pushes species towards extinction. Managing the koala population at a sustainable level is a complex and controversial issue.

## **2.4 Treatment of wildlife as property**

This implies 'ownership' of wildlife, when wildlife has an inherent right to live in this land and this right needs to be recognised in legislation. Having said this it does not necessarily imply that a Brush-tail Possum has a 'right' to inhabit some-one's home for example, rather people should render their homes impenetrable to possums and provide alternative habitat for urban possums.

### **Part 3. Mechanisms to achieve objectives**

3.1.1 It is our view that the Act should include principles for managing wildlife. In particular we support the principle that "*actions or decisions are to be based on best available evidence in the circumstances that is relevant and reliable*". We expect any exemptions to the legislation to be based on a comprehensive management plan developed under the principle quoted above so that the driving force behind the exemption application is to restore environment balance where imbalance is an issue, rather than to satisfy a desire to kill by a few members of the broader community.

### **Part 4 Transparency and Accountability**

4.1.1 The Act does not appear to have any reporting requirements for recipients of licences to hunt. Reporting on the number, type of animals taken, killed, destroyed, disturbed, marked or controlled, the methods applied and the possible impacts on the animals under ATCW'S should be mandatory and be part of a management plan submitted with the licence application.

4.2.1 We support the inclusion of provisions that require and enable the establishment of a scientific advisory committee or panel to provide expert guidance to key decision makers on matter relating to wildlife.

### **Part 5 Enforcement and compliance mechanisms.**

It appears the 'regulatory tools' contained within the Act apply to preventing obstruction of 'lawful hunting'. The taking of non-game species and incidences of unspeakable cruelty would not be uncovered unless members of the public undertook this type of monitoring in the past. This has resulted in more proactive policing and public awareness of the cruelty of hunting and improved the species identification skills of those seeking an exemption from this legislation.

5.2 Penalties as deterrents. Given the disparity between the penalties incorporated into the NSW legislation and those in Victoria it would seem that Victoria does not value its wildlife or habitat to the same extent. Penalties needs to be commensurate with the damage caused. Publication of prosecutions and penalties imposed also acts as deterrents. Therefore monitoring or reporting of alleged offences becomes necessary.

5.5.2 Enforceable undertakings may be of benefit for minor breaches but significant monetary penalties need to be applied for major breaches and damage to the environment and habitat.

### **Appendix A**

**Game Management Authority** is a case of 'Dracula in charge of the blood bank'. It is our understanding that this authority is made up of shooters and is therefore biased. A case of 'by shooters for shooters'. This body needs to have a balance of environmentalists, ecologists and animal welfare specialists to ensure it can deliver appropriate monitoring of hunting activities.

Thank you for this opportunity to submit to the Wildlife Act Review 2021-06-30

Ruth Graney,

Secretary

Portland Field Naturalists' Club

.

.