



Independent Review of the Wildlife Act 1975

Submission by the
Invasive Species Council

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About the Invasive Species Council

The Invasive Species Council was formed in 2002 to advocate for stronger laws, policies and programs to keep Australian biodiversity safe from weeds, feral animals, exotic pathogens and other invaders. It is a not-for-profit charitable organisation with over 5000 supporters, funded predominantly by donations from supporters and philanthropic organisations.

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Overview

This submission is a response to the invitation by the Victorian Government to provide feedback on the Independent Review of the Wildlife Act 1975 (Wildlife Act).

The Invasive Species Council welcomes the review of Victoria’s Wildlife Act. The Act is now seriously outdated, reflects some obsolete principles of what constitutes wildlife and no longer meets the contemporary requirements to effectively protect Victoria’s precious wildlife.

The Invasive Species Council recognises that there are a wide range of issues that require review. We support the principles of:

- Recognising the need to protect wildlife at the habitat and landscape scale.
- Stricter control around unprotecting indigenous wildlife and issuing of authorities to control wildlife to avoid unnecessary destruction and exploitation of indigenous wildlife.
- A modernised enforcement and compliance regime.
- The Office of the Conservation Regulator being given a statutory role with legislative force independent of DELWP.
- Regulations and penalties that reflect community attitudes to the seriousness of wildlife crime.
- Recognises the role of Traditional Owners in wildlife traditional use and conservation.

Given the focus of the Invasive Species Council is to keep Australian biodiversity safe from weeds, feral animals, exotic pathogens and other invaders we will focus our detailed comments to the association between the Wildlife Act and exotic animals, in particular feral deer.

Lack of Objectives

The Wildlife Act 1975 does not contain a clear objective to measure against what it is there to achieve. Currently it outlines in its purpose to establish “procedures” for conservation and protection of wildlife, however this in effect gives protection and conservation focus to certain feral and invasive species such as deer. The objectives must clearly establish that the Wildlife Act is to conserve, protect and enhance the health of populations of wildlife species indigenous to Australia and align with objectives in other relevant legislation such as the Flora and Fauna Guarantee Act 1988 and animal welfare legislation.

The Wildlife Act is protecting feral species that threaten the habitat of native wildlife species

The Wildlife Act provides for the Governor in Council to proclaim any wild animal to be wildlife for the purposes of the Act, including non-indigenous animals such as deer. 'Wildlife' is defined in section 3 of the Act as including non-native animals such as all kinds of deer, non-indigenous quail, pheasants, and partridges.

Moreover, feral deer are defined as "protected wildlife" and may not be destroyed without authorisation because they are not a pest animal within the meaning of the Catchment and Land Protection Act 1994 or declared to be unprotected wildlife by Order of the Governor in Council (apart from on private property). As such, Hog, Red, Sambar, Fallow, Rusa, Chital, Sika and Wapiti Deer are defined as protected wildlife under the Wildlife Act 1975. Hog, Red, Sambar, Fallow, Rusa and Chital Deer are further defined by the Governor in Council to be protected as "game".

Introduced feral deer are a demonstrated threat to biodiversity, agriculture, indigenous culture and public safety yet they are defined as "wildlife" and indeed "protected wildlife" under the Wildlife Act and given due protection, while paradoxically several indigenous wildlife species have unprotection orders in place.

The perverse outcome is that feral deer are protected wildlife under the Act, yet they threaten the very habitat of many of the native wildlife species that the Act is there to conserve and protect.

There is no justification for feral deer to be protected wildlife

The protected status of feral deer in the Wildlife Act reflects an anachronistic and early colonial approach to considering introduced species such as deer "wildlife" to be protected as game. This situation has led to significant bureaucratic obstacles preventing landowners and land managers from undertaking effective control of feral deer population, spread and impacts.

When the Wildlife Act was constituted in 1975, the feral deer population in Victoria was small and confined to a few small areas. The population of four species of feral deer has now grown substantially over the last four decades and are now widespread across the State. It is estimated there are now over 1 million feral deer in Victoria. This is despite being regulated through game management and controlled hunting. The Wildlife Act has not responded or adapted to these changing circumstances.

In 2013, in response to pressure from landowners, a Governor in Council declaration was made to make deer (excluding Hog deer) unprotected on private land so landowners could take control of feral deer on their properties. Public land managers remained constrained by the Wildlife Act while feral deer numbers grew unabated across the crown land landscape, including in protected and conserved areas.

In 2020, Victoria's Deer Control Strategy recognised the need to act and prescribed the action to "Authorise public land managers to undertake deer control as required without the need to obtain individual authorisations under the Wildlife Act". In addition, the Victorian government announced funding of over \$18 million to control feral deer and large control programs are underway.

The Government clearly recognises that protecting feral deer under the Wildlife Act has been hindering the ability to stem the impacts and it has in effect developed “work arounds” for private and public land to deal with the constraints of the Act.

Now that in effect feral deer control programs on private and public land have been largely detached from the purposes of the Wildlife Act that act to protect feral deer, it makes little sense to continue with the pretense that feral deer should be protected under the Wildlife Act.

Feral deer should be a declared pest animal, not protected

Victoria and Tasmania are the only two States in Australia that protect feral deer through legislation. In all other states feral deer are unprotected or classified as pests.

The Senate Environment and Communications References Committee report: *Impact of Feral deer, Pigs and Goats in Australia (2021)*, recommends that all Australian jurisdictions make any necessary changes to their existing legislative and regulatory frameworks to:

- ensure that wild deer are treated as an environmental pest;
- maximise the ability of landholders to control feral deer on their land; and
- maximise the ability of park managers to control feral deer in World Heritage Areas and National Parks.

Non-indigenous Quail, Partridges and Pheasants should not be protected

Non-indigenous Quail, Partridges and Pheasants are introduced birds yet classified as protected wildlife under the Wildlife Act and declared Game in Victoria. Non-Indigenous Quail and Partridge have extreme pest potential and have formed feral populations in many parts of the world. Feral populations of Pheasants occur on King island, Rottnest Island as well as in New Zealand. There is a real risk that these exotic game birds will become feral in Victoria and as such must cease to be protected game under the Wildlife Act and their release into wild or semi-wild situations prohibited.

What needs to change in the Wildlife Act 1975

1. The definition of wildlife and protected wildlife in the Wildlife Act must only refer to species indigenous to Australia.
2. Protections for animal species not indigenous to Australia (such as deer, non-indigenous quail, pheasants, and partridges) and the ability to declare non-indigenous animal species as wildlife, protected wildlife and game must be removed from the Wildlife Act.
3. Feral deer are to be proclaimed as pest animals under the Catchment and Land Protection Act 1994.

Thank you for the opportunity to have input into the review of the Wildlife Act 1975.