

Introduction

Geelong Duck Rescue was established in 2010 in response to concerns from a number of duck rescuers about the lawlessness witnessed on the wetlands of Geelong. The attitude of duck shooters was that they were 'above the law' and unfortunately as many authorities were recreational duck shooters themselves, they had good reason to feel this way. Over the ensuing years, members became increasingly frustrated as they would witness and report acts of cruelty or blatant disregard for the law that went unpunished. This led to an increasing determination amongst rescuers to understand the laws that regulate duck shooting in Victoria so that they could confidently and irrefutably present evidence of wrongdoing to authorities. It also led to a unique working understanding of the law, as amendments to the Wildlife Act sought to restrict wildlife rescue activities and rescuers sought to continue rescuing whilst upholding the law.

We thank you for this opportunity to submit our comments to the Panel regarding the review of the Wildlife Act 1975.

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.

The majority of Victorians love wildlife. They are keen to interact with wildlife such as native ducks as can be seen at local wetlands where feeding ducks is a family event. The Wildlife Act 1975 fails to protect wildlife such as native ducks when it allows them to suffer at the hands of duck shooters. Further to this, the Authorities who are employed to enforce the Act, do so under heavy bias because they get paid to let people harm wildlife. The protection and conservation of wildlife should come before the desires of those seeking to use wildlife for personal gain, which would be in-line with community expectations.

Recommendation:

- Move the Act away from harming wildlife, towards protecting and conserving wildlife as the overarching principle.

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 majority of Victorians are not involved in duck shooting. Considering that there are only approximately 26,000 registered duck shooters in Victoria, they represent less than 0.4% of the state's population, yet for three months of the year, the other 99.6% of the population are restricted from entering hundreds of wetlands across Victoria for any number of recreational purposes such as bushwalking, birdwatching, nature photography, kayaking, bike riding and swimming, in order to allow the minority group of shooters to hijack our natural areas of wildlife habitat for their selfish pursuits.

Not only is this not an equitable use of public space, it also does not reflect the attitudes of the majority of our community who value and wish to protect our native wildlife, not kill it for fun.

Recommendation:

Prioritise the protection and conservation of wildlife and stakeholders who support these aims over those who wish to use wildlife.

1.1.3 How can the Act balance the diverse interests of Victorians in protecting, conserving, managing and using wildlife? How might such competing interests be better reconciled in legislation? Are there examples from other sectors or other jurisdictions (both in Australia and internationally) that may be useful?

The purpose of the Wildlife Act should first and foremost be to protect wildlife, all other interactions with wildlife should come secondarily to this. If we use 'protection of wildlife' as our guiding principle in all decision making or where there are conflicting opinions from different groups of Victorians, then the primary purpose of the Act will be upheld.

Across the world the 'Animal Protection Index' is used to compare the legislative protection each country affords to animals.

<https://api.worldanimalprotection.org/#>

Disappointingly, Australia is ranked as a "D" grade, demonstrating that there is a lot of scope to improve our protections for animals. A close examination of the differences between our legislation and those of countries ranked "A" provides valuable insight into the legislative gaps we can seek to fill during this review.

Suggestions:

- The Philippines Animal Welfare Act of 1998 provides for protection of wildlife habitats; destruction of such habitats are listed as a form of cruelty penalized by law.
- The Austrian Animal Welfare Act 2004 suggests that the protection of the wellbeing of animals should be held to a value that is equal to humankind.
- The Swiss Animal Welfare Act of 2005 protects the welfare and dignity of animals.
- Many other countries have also recognised the sentience of animals within their legislation.
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Recommendation:

- Prioritise the protection and conservation of wildlife over all else
- Review legislation from countries who have a greater degree of protection for wildlife than Australia and adopt their ideas to fill in areas in the Wildlife Act which are lacking in protecting wildlife

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?

If we describe that all people have a basic duty of care towards wildlife this means that at all times they must consider the impacts and potential future impacts of any decisions they make on matters relating to wildlife and any actions they take that may affect wildlife.

This basic premise would become a guiding principle throughout the review of the rest of the act. If we start from the assumption that people owe wildlife a duty of care, and write this into legislation, then all other legislation must reflect this duty of care.

Recommendation:

- Legislate a duty of care towards wildlife that puts the protection and conservation of wildlife as the highest priority.

1.5.1 Are there any definitions that are unclear or confusing or that cause problems for achieving the outcomes and objectives of the Act?

One such term within the Act that has the potential to cause issues is the term 'use of wildlife' which can associate animals as an object rather than a living being.

The use of the term 'game animals' encourages us to view these animals differently from wildlife, rather than acknowledging that game animals are simply wildlife who have had their protections stripped. By moving them into a different category from wildlife we run the risk of treating them differently under the law and allowing them to be treated in ways we would consider unacceptable for non-game wildlife. This different classification of 'game' is applied in the case of ducks to species that are for the majority of the year classified as 'wildlife' except for the recreational shooting season and this strange contradiction creates an inconsistency in the law.

Recommendation:

- Review the use of language within the act and the possible connotations of using certain words and terms.

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

'Game' animals ARE wildlife. They deserve the same protection as all non-game wildlife under the law and should therefore be included in the Wildlife Act.

2.1.1 Do you have any comments on the interactions between the Wildlife Act and other legislation?

According to the Wildlife Act, duck shooters are currently exempt from charges of cruelty to ducks that could apply under the Prevention of Cruelty to Animals Act, if these instances of cruelty e.g. wounding, or disturbing wildlife are undertaken with the eventual aim of killing the wildlife. Therefore under law it is legal to cause sentient wildlife to feel fear, pain and distress before its death. This is legalised cruelty to animals by definition.

Conversely, Wildlife rescuers who attempt to protect ducks by moving them out of the way of guns, or who may disturb or displace wildlife in the process of attempting to capture a wounded bird to help it receive vet attention, can and have been charged with acts of animal cruelty for 'disturbing' wildlife.

Recommendation:

- Ensure consistency and common sense applies across all Acts that apply to wildlife.

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

It may appear that moving game management into an act separate to the Wildlife Act may help to resolve some of the conflict created by the conflicting purposes of the Wildlife Act (to 'protect' and to 'use'). However whilst this may have the advantage of 'tidying' up the Wildlife Act, it is certainly not in the best interests of wildlife.

Game management describes the process we apply to allowing people to kill wildlife for fun; segregation of these regulatory processes into an act away from the Wildlife Act runs the risk of forgetting that these animals are still wildlife and should be appropriately protected. This

proposed new act seeks to further erode the little protection that 'game' animals are currently given under the Wildlife Act.

Recommendations:

- Game management should remain as part of the Wildlife Act (if we have to have it at all)
- Recognise the classification of wildlife as the primary classification of interest (and any other descriptor such as 'game' as secondary) during any decision making process.

2.2.1 How do regulatory differences between states help or hinder wildlife management? Please provide examples from your own experiences

There is a disparity in laws across our states, which allows recreational duck shooting in some states (such as Victoria, South Australia and Tasmania) whilst other states have banned this cruel activity.

One problem (amongst many) is that wildlife have no comprehension of state boundaries and ducks in particular are migratory by nature, they will move to where environmental conditions best suit their needs. This means that during times of drought in QLD or NSW, Victorian shooters may actually be shooting protected ducks that usually reside in those states.

During times when climatic or environmental conditions suggest this migration is occurring, then the laws of the state that provides the highest level of protection for wildlife should be applied as the overarching legislation. Victoria should abide by the laws of whichever state has the greatest level of protection for ducks.

Recommendation:

Where animals fall under the conflicting legislation of more than one state, the default position should be to apply the legislation of the state that affords the greatest level of protection for wildlife.

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.

The Act fails to protect and conserve wildlife when it allows over 20,000 duck shooters to trample their way through wetlands for 3 months of the year, interrupting the flora. They also litter their shotgun shells and wadding all over the wetlands increasing the plastic pollution in the area and duck rescuers have to pick it up.



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

The Act should recognise the positive contribution made by local conservation groups who have no vested interests other than the desire for protection of wildlife. The Act should create an obligation to resource the restoration and protection of land to achieve and maintain at least pre-white settlement levels of biodiversity.

It should stop allowing duck shooters to access public spaces to kill wildlife and damage 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?

Landowners should be viewed as custodians of wildlife and wildlife habitat under a duty of care to wildlife. The concept of land ownership is a tenet of Western civilisation and one that cannot be understood by wildlife, who will simply seek habitat that meets their needs. Wildlife may reside in an area over many years and generations or they may seek an area with easy access to a food supply, water or certain types of trees or plants for shelter. They have no way to discern whether this habitat exists on land that is 'owned' by the public and managed for them by Parks Victoria, or owned by an individual who may wish to harm or

exploit them. As such, if landowners are lucky enough to own land upon which wildlife habitat exists, they must have a duty under law to conserve this habitat in order to work towards the end goal of protecting and conserving wildlife.

This is becoming especially important with an increasing population, urbanisation, urban sprawl and animal agriculture all eroding areas that previously provided habitat for wildlife. Now, more than ever we need to conserve areas where wildlife can live safely.

Recommendations:

- Landowners should be prescribed a duty of care to protect and conserve wildlife and wildlife habitat on their land.
- Significant changes to land that could impact on local wildlife (e.g. clearing of wooded areas, filling in or diverting bodies of water) must only be undertaken under a permit process that allows evaluation of local wildlife populations and the potential impacts of the proposed change.
- Information on local wildlife populations must be included in a bill of sale to enable new landowners to adequately understand their duty of care.
- The destruction of wildlife habitat to allow for introduced species should not be permitted.
- Duck shooting should not be permitted on private property where there is little to no monitoring or regulation from authorised officers.
- Landowners may not build breeding boxes for birds with the express purpose of luring them onto private property to shoot.

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

The property rights do require clarifying. The wildlife Act should explicitly state that free living wildlife cannot be owned or become subject to the use of a person simply by virtue of that wildlife having entered onto the person's private property.

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

No, they should respect and appreciate that wildlife would utilise their land. The general public would have an assumption that wildlife who travels across private land does not automatically come under control of the private owner of that land. The Act should protect wildlife whether they are on State land or private land equally.

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?

The Act should recognise the sentience of some wildlife. Many people recognise that their dog is their family member and thus they recognise their ability to feel joy and pain as well as their ability to suffer. This is a dog's sentience. Extending the compassion and recognition of a dog's sentience to animals such as ducks is to show them a basic right to exist and to experience joy. We have the ability to reduce their pain and suffering through protecting them and recognising their sentience as a basic moral right for all beings.

By this recognition, governments, businesses and individuals would have the responsibilities to ensure the animals are reduced from suffering.

3.5.2 Is full cost recovery appropriate, or should fees for some licences and activities be subsidised? What role is there for user pays or beneficiary pays principles? What, if any changes, should be made and why?

The current cost of licenses, for example a game license that allows the holder to shoot ducks, is approximately \$60 per year. One of the prevailing complaints of the Game Management Authority, whose role it is to monitor shooting, conduct compliance checks and regulate the activity is that they are drastically under-resourced and therefore unable to perform their roles effectively. This was backed by the Pegasys report in 2018 which concluded that there were a number of serious issues within GMA including lack of adequate staffing that prevented them from being an effective regulatory body.

Additionally, the expectations of the community are not being met by the lack of effective policing that is conducted by GMA. Considering that shooting takes place at dawn and dusk, GMA only allocate staff to monitor shooting during the day, as there is insufficient funding to allow staff to be paid overtime rates, nor are there enough staff to work overlapping am/pm shifts. Even in known areas of non-compliance, such as Geelong, where shooting regularly occurs outside of legal hours and known repeat offenders are present, there are rarely GMA staff present in the evening, nor is there a phone number where information of these breaches can be reported and acted upon in real time.

Considering that duck shooting is a voluntary (for the shooters, anyway), recreational (same proviso) activity conducted by a small percentage of the population only and there is a clear lack of resources available to regulate and monitor their activity, it would be fair to increase licensing fees until they are commensurate with the costs involved in policing the activity.

It is not fair to expect tax payers to pick up the tab, especially when those funds could be better spent on wildlife conservation projects, which would be more fitting with community expectations.

Recommendations:

- Licensing fees should be increased to accurately reflect the costs involved in regulation of the activity.
- License fees should be directly channelled into enforcement and regulatory expenses.
- The system should be treated as 'user pays' with no subsidies for those using wildlife.
- The exception to 'user pays' should be the creation of a rescuer license (for volunteers who rescue wildlife) that should be subsidised or free..

3.1.1 Should the Act include statements of principle and criteria to guide regulators, duty holders and the public? Why are such principles important? If you do support including principles, what do you think they should be and why?

The Act should provide statements of principle to guide regulators, in order to ensure a consistent and fair approach to any decision making process. The current Act contains conflicting principles that start from the very beginning of the Act, where the purposes describe 'protection' of wildlife, closely followed by 'use' of wildlife. The latter purpose is in direct conflict with the primary purpose. Additionally, there are activities covered within the act (such as hunting) that are considered abhorrent by the majority of Victorians and therefore create a conflict between the expectations of many and the wants of a few.

The use of statements of principle will create a clear order of priorities and will firmly establish the protection of wildlife as the primary guiding principle ensuring that the Wildlife Act really will act in the interests of wildlife.

Other principles should be:

- Protect and conserve wildlife first and foremost
- Protect and conserve wildlife habitat
- Ensure that wildlife are free from discomfort, pain, fear (for themselves or other animals), injury, boredom and distress (refer the 5 freedoms of animal welfare)
- Ensure that wildlife are allowed to express normal behaviours
- Minimise the impact that human activities are permitted to have on wildlife or their habitat

Recommendation:

- A Statement of principle should be created to clearly guide anyone and everyone who is involved in any level of interaction with wildlife to ensure a consistent approach from all stakeholders that provides the highest level of protection for wildlife.

3.2.1 Should the Act include provisions for consultation with the community on certain issues? What issues should undergo community consultation?

The community should be consulted on any decisions that will impact wildlife within and around their local community

- ATCW - what has been tried, what impact the wildlife is supposedly having, how the local community interacts with and their impressions of the wildlife in question
- Whether a duck season should proceed and, if so, the conditions under which it is allowed
- Any development changes that will affect wildlife habitat
- Any management plans that will promote or protect threatened species of wildlife

3.2.2 How can community involvement in decision making under the Act be improved?

There should be provisions in the Act for regular community consultation regarding upcoming decisions or activities that are regulated by the Wildlife Act, such as a recreational duck shooting season, or any wildlife management plans.

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

The Wildlife Act states prevention of extinction of species as one of its purposes, yet there is little contained in the Act describing how this will be enacted.

Recommendations:

- Provide provisions in the Act for recognition of wildlife who are protected or threatened.
- Provide provisions in the Act for criteria to evaluate wildlife that may benefit from a management plan designed to protect their habitat and food source as a high priority
- Create an independent body to advise on matters relating to decision making regarding wildlife.
- Work with other groups who may have specific knowledge regarding the management of wildlife to prevent extinction

- Establish more accurate methods of counting populations of wildlife so decision making is conducted using the best possible data.
- Recognise the significance of biodiversity loss and include provisions to future proof the Wildlife Act
- Recognise that management plans are not synonymous with killing wildlife but can be a means of adding an extra layer of legislative protection for wildlife struggling to survive.

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?

Any attempts to lessen the regulatory burden around duck shooting would only undermine any little protection that the current act affords wildlife. The process to obtain a license to shoot ducks is already too easy and the regulatory burden for authorities is low as these licences are rarely checked.

Additionally, the requirements for children as young as 12 years old to be able to operate a firearm and shoot ducks are practically non-existent. All shooters should be held accountable to the same standards under the law.

If the regulatory burden is too great for our current system of GMA officers, we should consider raising licensing fees to pay for a greater workforce of enforcement officers who are also better trained.

Recommendations:

- Do not lessen the licensing processes for duck shooters.
- Children must be held to the same standards as adults.
- Licensing fees should be at a level that allow adequate levels of enforcement

3.6.1 Should the Act contain provisions that allow for issuing mandatory codes of practice, standards or guidelines?

The Act should contain provisions for ensuring that any guidelines or codes of practise relating to the conduct of those who interact with wildlife in any way, whether recreationally, for commercial purposes, or professionally are mandatory codes and that the act contains provisions to ensure they are enforceable and that there are adequate penalties for any breaches.

3.6.2 What activities could most benefit from the development of mandatory codes or standards?

Currently, hunting is regulated by the Wildlife Act, the Firearms Act, and POCTA, as well as the 'Code of practise for the welfare of animals in hunting'

Cruelty to animals is exempt from POCTA if the eventual aim is to kill it after being cruel to it. The Wildlife Act focuses on how to be licensed to kill and the Code of practise is merely something shooters 'should' follow (as stated on the back of the game licence)

If we cannot request a ban on duck shooting under this review (as it is outside your scope of reference) then we would like to request that the conditions that must be met by duck shooters must become more stringent in order to minimise the injury and suffering of the approximate 25% of birds whom are injured by 'pelleting' with bird shot, and whom are often not retrieved and therefore experience a prolonged period of pain before they die.

Recommendations:

There should be mandatory standards for the following:

- Shooting accuracy test with a high level required to pass
- Waterfowl identification test to be resat and passed annually to maintain holding a game licence
- Vision/eye test
- Understanding of firearms, their range and their capabilities
- Shooting into flocks is forbidden
- A failure to retrieve and kill immediately will carry the highest possible penalty for cruelty
- A legislation test. Shooters must be familiar with the legislation that regulates their activity, otherwise how can they be expected to uphold it? Driving licences require an understanding of road rules, shooting should require a demonstrated understanding of the appropriate regulations.
- The code of practise for hunting must be mandatory and enforceable.

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?

There needs to be a greater degree of transparency regarding decisions made on matters relating to wildlife. The Wildlife Act should make provision for an Independent body to advise on matters relating to wildlife and their decision making process must be available for public scrutiny.

For example, The Eastern Australian Waterbird Survey, has demonstrated declining waterbird numbers for years

<https://www.ecosystem.unsw.edu.au/research-projects/rivers-and-wetlands/waterbirds/eastern-australian-waterbird-surveys>,

Yet this independent scientific evidence is ignored when the decision to hold a duck season is made. There is no transparency regarding how this evidence was considered and what other evidence was deemed to outweigh it. Apart from a ridiculous and unbelievable statement months later where GMA claimed to find 2.5 million extra birds, with yet again no transparency regarding how this oversight occurred and how they conducted their bird count (which is not independent - it should be noted that with no duck season, the officers employed by GMA are potentially out of a job so they are operating under an inherent and inescapable bias).

Recommendation:

- The Act should make provision for an independent body to advise on matters relating to wildlife.
- The criteria used to make decisions relating to duck season (e.g. length of season, timing of season, start times, bag limits and closures) should be transparent and available to the public.
- Decisions relating to ignoring scientific evidence must be explained and justified. All reports, evidence and resources used in the decision making process must also be made available to the public.
- Parties such as the GMA who provide advice to the minister regarding these matters must be held to the highest level of accountability for their recommendations.

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 include provisions that require and enable the establishment of a scientific advisory committee who will be able to provide expert guidance to ministers in matters relating to wildlife. Currently they use a very biased Game Management Authority's opinion on the guidelines for the duck shooting season. This is an organisation who is paid to regulate the season and thus their recommendations for bag limits and season length directly affects their job. Having a non-biased, independent committee of experts would be a better approach to guiding decision making than the current biased system.

5.1.1 Should the Act include other offences?

Penalties should exist for the following additional offences:

- Forcing wildlife to act in a way that contradicts their normal behaviour patterns
- Causing wildlife to feel fear for themselves or another (eg their young or their mate)
- Shooters coercing a minor into any action permitted under the Wildlife Act (e.g taking a child shooting who doesn't want to go)
- Shooters coercing or encouraging a minor to conduct themselves in such a way as to contravene the Wildlife Act
- Shooting into a flock of ducks
- Shooting outside the accepted range of the firearm being used (as this increases the likelihood of wounding a bird for example by 'winging' it)
- Acts of cruelty should not be exempt from penalties during the act of hunting.

5.1.2 Should any offences be repealed?

58c 'offense for certain persons to enter on or or remain in specified hunting area'

Under current legislation, the only persons permitted on a wetland before 10am and after 2 hours before sunset are either those who hold a gun and game licence and authorised officers.

This means that during the prime hours when wildlife are likely to be injured (at dawn and dusk when birds move around the most and visibility is at its lowest) the only way that wildlife rescuers can be present is to obtain a gun and game licence. There is little use in rescuers entering wetlands in the middle of the day, particularly in heavily reeded areas where injured birds are hiding, literally fighting for their lives and are very difficult to locate and attempt to get to a vet for medical care.

To penalise wildlife rescuers for their presence at the times they are most useful is both cruel and ridiculous, especially when the penalty for rescue is 3 times greater than that for illegal hunting.

Ideally this offence should be repealed. Alternatively, there should be an amendment creating a third category of persons who is permitted on a wetland at these times, rescuer, with the creation of a wildlife rescuer licence if required. As a minimum, the magnitude of penalties must be reversed, with a greater penalty for illegal hunting than for wildlife rescue.

58e hindering or obstructing hunting

It beggars belief that an act whose purpose it is to PROTECT wildlife tries so hard to protect the so called 'rights' of a small minority or people whose goal it is to KILL wildlife.

If the act is to remain true to its purpose, then the actions of those who are attempting to prevent the injury and death of wildlife should be legally permitted and the offence against 'obstructing hunting' should be removed.

If we look at the hierarchy of principles, protecting wildlife is a higher priority than using it, therefore logic follows that permitting the actions of those involved in wildlife protection should come before those who use it for personal gain.

5.2.1 Are the maximum penalties in the Act adequate to punish and deter offenders? If not, what should they be?

As shown in the issues paper, the fact that our maximum penalties are up to \$165,220 or 2 years' imprisonment, versus the *Environment Protection and Biodiversity Conservation Act 1999* penalties which go up to \$1,050,000 and 7 years' imprisonment for an individual or up to \$10,050,000 for a corporation. Further to this, the NSW *Biodiversity Conservation Act 2016* has the highest maximum penalties showing that Victoria's Wildlife Act doesn't really take the protection and conservation of wildlife very seriously.

The maximum penalties should be consistent with the Conservation Acts of both States.

5.3.1 Should the Act contain general provisions creating continuing offences and allowing for additional penalties?

Yes.

For example, when duck shooters continue to shoot birds over their bag limit for the day, there should be an exponential scale of penalty applied to each additional bird killed. This would act as a more effective deterrent than our current laws, to those who seek to ignore or flout the law.

5.4.1 Should the Act contain provisions to permit community impact statements relating to the harm caused to wildlife?

Yes. The community should have the right to say what the loss of those animals means to them and also there should be a provision whereby vets or locals wildlife carers can prepare an impact statement on behalf of the animal themselves.

5.5.7 Should the Act contain specific provisions to allow for the forfeiture of property used in the commission of an offence under the Act? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

All hunting paraphernalia should be confiscated and destroyed when a shooter breaks the law.

5.5.8 Does the Act contain adequate regulatory tools, sanctions and remedies to punish and deter wildlife crime? If not, what additional tools, sanctions and remedies should be included within the Act?

No, when the penalty units are greater for the removal of sand or being on a state game reserve before 10am during duck season, compared to the penalty units for harming wildlife, there is a clear agenda of the wildlife act and it is not to protect and conserve wildlife. The legislation should have harsher penalties for harming wildlife and not look to punish those who try to help wildlife.

5.6.1 Does the Act contain the necessary powers and provisions to enable authorised officers to enforce the Act? What powers and provisions should be available to authorised officers? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?

The Act should have provisions that increase Game Management Officers on the ground particularly to monitor illegal shooting before and after shooting times. The current system allows GMA to work the morning shift and not work in the PM. GMA should also conduct their enforcement from within the water rather than standing on shore keeping their feet dry. The current system also requires large amounts of burden of proof for any offenses by duck shooters, but the same is not afforded to duck rescuers who are trying to protect wildlife. Enforcement officers should have no conflict of interest eg. they should not be duck shooters or hunters of any description. This will ultimately change the culture of GMA and reduce their bias.

5.8.1 Should the Act provide for third-party civil enforcement under the Act? How might this make a difference in achieving the intended outcomes of the Act?

Currently duck shooting is policed by a handful of GMA officers who attempt to cover the hundreds of wetlands across the state, during the strict hours their budget allows them to work, where they police a water based operation standing on land, often far out of sight of where shooting occurs. On some rare occasions they are joined by other authorised officers whose training on the legislation surrounding duck shooting has on at least one occasion been based on a magazine article written by a shooter.

This level of enforcement does not seem likely to meet the expectations of the general Victorian public who value wildlife and believe that they are being legislatively protected by knowledgeable authorities conducting compliance checks. The truth of this area of enforcement is almost the total opposite of that otherwise very reasonable expectation.

Without wildlife rescuers, many acts of cruelty, and breaches of the law would go undetected. Over the years the mass dumping of hundreds of illegally shot birds including threatened and protected species has been discovered on more than one occasion by rescuers, not authorised officers. Rescuers have brought in shot swans, freckled ducks and even bats. Rescuers have witnessed and recorded deplorable acts of cruelty. Rescuers have brought in dead ducks that were hidden far from shore, to allow shooters to continue shooting and still ostensibly return to shore with their daily 'bag' limit.

Without wildlife rescuers, many more wildlife would be wounded, illegally shot and many more offences would occur.

Recommendation:

- Allow third party civilian enforcement under the Wildlife Act
- Create a 'rescuer permit' to allow access to wetlands during times of maximum shooting when breaches of the law are most likely to occur.

