

## Wildlife Act Review

### Issues Paper Questions – Response 42

Contributor: Individual

#### Primary Interests:

- Protection and conservation of wildlife and habitat
- Wildlife welfare
- Protections for marine mammals
- Research relating to 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.**

In my view, the Act is dated in its attitude and language that wildlife is merely a resource for human benefit (economic and recreational) and pleasure. The Act to me harbours attitudes from the colonial era where wildlife was considered of little value and a resource to plunder. Contemporary Australians are far more knowledgeable of animal science, animal sentience and their importance to our ecology and long-term survival. The Act in my view needs to represent that in its language and content.

##### **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.**

Yes. For example, I regard all Australian wildlife as an intrinsic part of our environment that is to be cherished and protected whereas the Minister of Agriculture sees kangaroos as a pest or an opportunity to create jobs for shooters and meat processors.

##### **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?**

Our wildlife are unique yet in a critical situation (climate change, loss of habitat, natural disasters, agriculture) and need to be protected at all costs. All wildlife should be protected. To balance differing opinions and needs:

- Remove introduced 'pest' animals from the Wildlife Act and allow them to be hunted for food, their skins and body parts, not kangaroos. Venison (deer) is a popular meat and should be the obvious animal for the Game Management Act.
- Encourage different farming practices as described in the DELWP 'Wildlife Management Methods'.
- Increase community education about the value of wildlife
- Address the myth that kangaroos are pests and instead educate on their value in our ecosystem.

•Engage with scientists and experts so that wildlife management is based on fact, not supposition or colonial attitudes.

**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?**

Wildlife should be positioned centre of this Act (not human benefit), and the purpose their protection. The 'sustainable use of wildlife' should be removed from the Act.

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

See 1.1.3.

**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?**

Yes. Traditional Owners managed the land and wildlife for 60,000 years without destroying it. In 250 years, we have cleared most of Victoria of forest (habitat), driven wildlife to critical levels, adopted cruel practices and are heading toward an ecological disaster with the 6th mass extinction, and climate change. Thankfully we are seeing a return to cultural management of land.

**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?**

Yes. We should engage with Traditional Owners and recognise the value of their approach to land and animal management. Not only their management practices but their principles such as recognising their cultural acknowledgement of totem animals as a way of ensuring they are protected. They would be valuable members of any advisory bodies as well as take on land management such as occurs with Hepburn Regional Park near Daylesford.

**1.3.4 Should the Act afford additional protection and the ability to return species to country because of their cultural significance?**

Yes for their cultural significance but also for a balanced and natural approach to wildlife protection and management. The most important being the dingo. I cannot believe we kill the dingo that could control foxes, cats, and even deer. I am protective of kangaroos as their habitat has shrunk but I would much rather have dingo control their numbers than hunters.

**1.3.5 Does the Act provide appropriate mechanisms for Traditional Owners and Aboriginal Victorians to use wildlife? Should the Act support commercial use of wildlife by Traditional Owners and Aboriginal Victorians?**

I don't think that commercial use of wildlife should be allowed by anybody, including Traditional Owners.

**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?**

Yes. We owe a duty of care to animals, to protect them, their habitat, their families, their enjoyment of life and from harm. I am a health professional and very familiar with duty of care; I see no difference between this right for human animals as for non-human animals. Community education in caring for the land and wildlife is key to adopting this approach. Young people understand and appreciate this more than adults. And of course ensuring it is articulated in 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?**

Yes include the fish, snails, rays etc in the listed in the Issues Paper currently not included. Exclude introduced 'pest' species as defined by the scientists and ecologists.

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

The only animals that should be classed as 'game' animals should be introduced pest species such as deer and foxes and excluded from the Act. Ducks the other animals currently 'unprotected' should be protected under the Act.

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

All legislation involving wildlife in any capacity should be aligned to include National, State and in some cases International legislation such as United Nations Sustainable Development Goals. Kangaroos are protected as Australian Wildlife but not protected under the Game Management Act, 2014 or the Catchment and Land Protection Act 1994. Nor are there protections for wildlife under the Prevention of Cruelty to Animals Act, 1986. This undermines the value of the Wildlife Act and would make it difficult to regulate. Equally it is confusing for the general public potentially leading to violations.

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

Yes. Game Management should include introduced pest animals, not Australian wildlife. Make is clearer to the public and easier to regulate.

**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 clearly does not prevent Vic Forests from logging critical habitat and this will continue for years. Even in areas of endangered wildlife such as the Greater Glider and the Leadbeater Possum. I would say it fails as it does not include protection for habitat. This needs to be included.

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

It should be clearly stated in the Act. Or carry clear reference to the Flora and Fauna Act.

**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?**

Maybe, but the Act could prescribe duties for governments and government agencies to provide education and funding to landowners about protecting and conserving wildlife. Though many organisations currently support willing landowners such as Landcare, Melbourne Water, Land for Wildlife and Trust for Nature.

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

Yes. No one should have property rights over wildlife.

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

No, as I think many would take advantage of this right to the detriment of the wildlife. I like your statement that wildlife should not be considered property at all, but have their own rights.

**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 science is clear and robust on the evidence for animal sentience and has been for some time. Research is also demonstrating that animals have similar attributes to humans in that they enjoy family, make friends and engage with other species. I see no difference between non-human animals and human animals. They should be given the same rights and if they cannot be upheld, then consideration needs to be given to managing their rights in the best possible way to minimise harm.

**2.4.4 What rights and responsibilities should Traditional Owners and Aboriginal Victorians have related to wildlife?**

Traditional Owners should have responsibilities for wildlife on their traditional lands. I don't think it's my place to comment on their rights.

**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?**

Yes. Principles are important position statements that help all interested parties understand on what basis an Act has been prepared. Wildlife needs to be positioned centre to the principles, not human benefit.

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

Yes. Wildlife belongs to no-one but we share the land and they are an important, often critical part of our society and communities. There is an inter-dependence, and in some cases, a critical relationship for both our survival. We all have an interest in wildlife. The Victorian Government is good on community consultation at the macro level (such as this Act) but little consultation or collaboration beyond that, as it scares them. There would be many issues of interest to the broader

community or to the multiple 'communities of interest' such as the Traditional Owners, landholders, environmental groups, farmers, as well as Local Government. The challenge would be recognising the stakeholders and selecting an appropriate mechanism for consultation. Perhaps this could be a question for groups as you consult on this review?

The other very important aspect aside from consultation is informing the community and being much more transparent about decisions and the permit processes. There are activities that are intentionally hidden from individuals or communities. For example, the Authority to Control Wildlife permit allows wildlife to be killed without close scrutiny and the Game Management Act allows kangaroos to be shot without community knowledge or those that might be affected by the decision. I would like to see all requests to kill animals produce a notice that is posted on a public site, such as we have with town planning, so individuals and communities can have a say and or object.

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

Community involvement needs to be stated in the Act and government needs to commit to supporting and resourcing this process. Government expects there to be community involvement in many of the programs it funds (in health and social care), so why not with wildlife management.

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

Yes. I totally agree with the proposed planning process you suggest used under the Fisheries Act. I am shocked there is no planning process currently for wildlife management. There definitely needs to be a planning process for any Authority to Control permits and the Kangaroo Harvesting Program. I am sure we would see far fewer requests compared to the 3 minute 'Tick and Flick' form currently in use.

### **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?**

Yes. Local Government is required to be transparent on its planning and decisions why not the department managing the Wildlife Act? This could include notices, reporting on activities and permits, and review by an external body such as the Conservation Regulator (I propose in 5.6.1 that the Office is independent). The appointment of community advisory/reference groups would be helpful and public access to information on decisions and the decision making process. Being better informed communities might be less fearful of what actually goes on, then on the other hand there could be greater resistance and protest. Currently I have no trust in the system!

### **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?**

Yes. Wildlife and ecology is an evolving science where experts are key to ensuring the right decisions are made for wildlife.

### **5.1.1 Should the Act include other offences?**

Yes. All those you suggest in the document under 5.1

**5.1.2 Should any offences be repealed?**

No.

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

No. Fines should be high. I believe NSW has set a high figure for penalties. It should include community service in the environment and an education program similar to those offered for drink driving. My view though is that regulation of the Act is probably poor and many offenses would be committed unnoticed.

**5.4.2 Should the Act contain specific provisions to guide sentencing of offenders convicted under the Act?**

Yes. Your examples of wildlife crime at the beginning of the Issues Paper were hard to punish as there was no clear guidance.

**5.5.2 Should the Act allow for infringement notices for minor offences? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?**

Yes

**5.5.3 Should the Act contain provisions enabling regulators to enter into enforceable undertakings? Are there examples from other jurisdictions (both in Australia and internationally) that could also apply in Victoria?**

Yes

**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?**

Regulatory bodies needs to be adequately funded and resourced to support wildlife management, wildlife crime and scrutiny of applications for permits and follow up.

The Authority to Control Wildlife permit currently does not include a preliminary visit by an authorised officer to discuss options for wildlife management, nor is there a follow up visit to ensure that correct procedure was followed. This needs to change; lives are at stake.

The Authority to Control Wildlife system needs to have strict criteria, be strictly regulated, transparent and accountable to the general public on its processes, and provide regular reports.

**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 Office of the Conservation Regulator needs to be an independent Office employing a range of experts on wildlife, and the law that also includes community representatives. It could oversee policy, decision making and compliance, and conduct audits.