

# CARLISLE RIVER WILDLIFE SHELTER SUBMISSION



20/05/2021

Shelter submission on the Review of Victoria's  
Wildlife Act 1975 by Carola Anstis Shelter  
operator

Carlisle River Wildlife Shelter operators' submission on parts of the review relevant to wildlife protection, rescue, rehabilitation, and habitat protection.

# Carlisle River Wildlife Shelter Submission

SHELTER SUBMISSION ON THE REVIEW OF VICTORIA'S WILDLIFE ACT  
1975 BY CAROLA ANSTIS SHELTER OPERATOR

## PART 1: WHAT SHOULD THE ACT DO?

In a world where wildlife extinction and habitat destruction are happening on a large scale in all countries, the Victorian Wildlife Act should and must be centred solely on wildlife protection and the continuation of biodiversity in their environment.

### 1.1 Does the Act reflect contemporary attitudes towards wildlife?

**“The greatness of a nation and its moral progress can be judged by the way its animals are treated.”**

— Mahatma Gandhi

#### 1.1.1

The Act fails to represent contemporary expectations for, and values relating to, wildlife in Victoria in several ways.

- Although the community and future generations expect our wildlife to be protected, the Act allows for exemptions. This provides an inlet for industry and individual landowners to exploit our wildlife for monetary gain and allows for the slaughter of our wildlife.

**Examples:** 1) The granting of Authority to Control Wildlife (ATCW) permits to anyone who asks for it.

2) Allowing kangaroos to be slaughtered for pet food and human consumption.

3) Enabling a Duck Hunting Season every year.

- It does not provide enough protection for vulnerable and endangered species by allowing clearing of their habitat either for financial gain, or under the disguise of bushfire reduction burns by other legislations or Acts.





**Examples:** 1) The continual clearing of forests known to be habitat for Leadbeater's possums and Powerful Owls

2) Fuel reduction burns in areas known to contain vulnerable species like the Long-nosed Potoroo such as have happened near Carlisle River.

3) Fuel reduction burns in bushland used as the only refuge still available for surviving wildlife after the severe 2019/2020 bushfires.

4) Many waterbirds, including ducks, pair for life and rarely are both members killed at the same time during a duck hunting season. The remaining survivor will not mate again and often at our shelter we have witnessed the shooting of a swan or duck on our local wetlands, leaving a lone survivor and sometimes even chicks on a nest. This results in a reduction in future duck populations which is neither allowed for in government estimates of the effects of hunting nor can it be calculated.



### 1.1.2

There are many conflicts between the interests or expectations of different stakeholders or community members regarding wildlife.

- 1) The granting of ATCWs is causing numerous conflicts between landowners, neighbours, wildlife carers and the greater community. Any landowner in Victoria can apply for and be granted an ATCW without any consultation with their neighbours or the community who may value the wildlife in their surroundings. No greater example of this is that of our case at Carlisle River Wildlife Shelter. We have been rescuing, rehabilitating, and releasing wildlife in our local community now for over 20 years. We have specialized in macropods and through the years, at mainly our own expense, have set up kangaroo runs and wall aby enclosures to rehabilitate these macropods and soft release them onto our 135-acre property, which is surrounded by National Park on two sides. A perfect release environment and many members of the community and other wildlife shelters have valued our ability to take on these macropods and release them. Yet a new neighbour to the area was able to apply for and get an ATCW to shoot kangaroos within 2 weeks of moving in next door, without any education about kangaroos from the department concerned or consultation and notification with the wildlife shelter next -door or the Colac Community, who rely on the shelter for rescue and release. Letters of objection put in by the shelter, people of the community and other shelters were ignored, and the culling took place.

Our case was and has not been the only isolated incident throughout the years. Many shelters, property owners and wildlife tourist operators have suffered in the same way and it seems very unreasonable that one minority of the community is able to get permission to kill our wildlife and other members of the community cannot be able to protect our wildlife or even be allowed to be heard. This granting of ATCWs is allowable under the current Act yet takes no account of the rights of protection of our wildlife, the suffering this causes our

wildlife and the rights of the greater community and future generations to have our wildlife protected.

- 2) With the exemptions and permissions allowable in the Wildlife Act, year after year the government permits a duck hunting season for a minority of the community. This slaughter of our wildlife is permissible under the act despite overwhelming scientific evidence that Victorian wetlands and waterbirds need protection. It is given the go-ahead even after years of drought, severe bushfires and research showing most shooters do not know basic gun rules and cannot identify waterbirds that are not allowed to be shot. The majority of the Victorian community do not want this so-called “sport” and would like the waterbirds protected and this brings forth conflict every year on the wetlands and country towns between those wanting to protect our wildlife, and those who want to shoot them out of the sky.



### 1.1.3

The Act cannot and should not balance the diverse interests of Victorians in protecting, conserving, managing, and using wildlife. It should be designed to solely protect and conserve wildlife for all Victorians and future generations. At present the Act includes a lot of exemptions which allow for the killing of wildlife and destruction of their habitat as can be seen in Part II Section 16 & 16A, Section 18(4), Section 19(1), and Part III & Part IIIA to name just a few. They allow the rules to be manipulated to facilitate the destruction of wildlife by those that chose to do so. This is not acceptable. An Act cannot protect wildlife for Victorians now and into the future and yet allow for its destruction by a few.

As an example, overseas rules needed to be changed to allow for the banning of the slaughter of Harp Seals, and the protection of migratory routes for whales, salmon, and birds. Victoria needs to fully protect wildlife in this review of the Act.

## 1.2 Is the intent of the Act clear?



### 1.2.1

The current purposes of the Act are not satisfactory. The Victorian Wildlife Act should be based solely on the protection of Victorian wildlife and their habitat. There should be no exemptions included except in dire circumstances, and these circumstances should be reviewed by an independent body, including members of the community and wildlife carers (not just government and industry).

### 1.2.2

If objectives and purposes are likely to be competing, tensions must be resolved by education, consultations and finally (if necessary) review by an independent body consisting of all stakeholders, including members of the community and wildlife carers. The Act, however, should always be clear that is for the protection of wildlife with no exemptions unless due to extraordinary circumstances and only if conducted by a full review by an independent body.

### 1.2.3

Carlisle River Wildlife Shelter's main expertise is in the rescue, rehabilitation and release of Victorian wildlife. We dedicate most of our time to this endeavour and thus do not have the expertise and time to review legislation from other jurisdictions both in Australia and overseas. A quick review of other wildlife protection laws such as: -

- The US Endangered Species Act (ESA)
- Migratory Bird Treaty with Canada, signed by Great Britain 1916
- Migratory Bird and Game Mammal Treaty with Mexico 1936
- Polar Bear Treaty 1974 African Elephant Conservation Act 1989



show that there are many countries trying to protect wildlife, yet they still leave openings in their legislations for the killing of wildlife.

The Wildlife Protection Act (1972) India, however, does take some promising steps by including the following:

- It prohibits capturing, killing, poisoning, injuring, destroying and removing any part of a wild animal.
- In the case of wild birds and reptiles, the act also forbids disturbing or damaging their eggs.
- It is also against taxidermy, which is the preservation of a dead wild animal as a trophy, or in the form of rugs, preserved skins, antlers, horns, eggs, teeth, and nails.

The countries with the strictest protection for animals include:

- Austria-The Austrian Animal Welfare Act 2004 equates the importance of animal life to that of human life.
- Germany - In Germany, animals are protected by the Constitution . [The German Constitution](#) reads, "The state takes responsibility for protecting the natural foundations of life and animals in the interest of future generations ."

Victorian law could learn a lot by these and many more legislations to produce an Act which is a world leader in the protection of our wildlife, rather than creating an Act which allows for the continuation of Australia's role as the leader in the extinction of wildlife .

### 1.3 The Act doesn't appear to appropriately recognise the rights and interests of Traditional Owners and Aboriginal Victorians

Carlisle River Wildlife Shelter does not have any rescuers and carers of Aboriginal decent to qualify in answering this section.

### 1.4 Could a general duty help clarify roles and responsibilities?



#### 1.4.1

The Act should prescribe a general duty of care related to wildlife conservation and biodiversity protection more broadly. It is every Victorian's duty to conserve our wildlife and biodiversity for future generations and for the health of our environment. Already our wildlife and environment have suffered by climate change, land clearing and the lack of duty of care shown by government, industry and individuals. It is time to make laws which strongly protect our wildlife and biodiversity, with increased fines and penalties for those who choose to ignore them. This can only be achieved if the legal system is made to enforce the laws without favour and/or prejudice to the full extent.

**E.g.** The case of the killing in East Gippsland of 420 protected Wedge-tailed Eagles which resulted in an inadequate legal punishment for the crime of poisoning the birds.



### 1.5 Definitions of key terms can be unclear and confusing.

#### 1.5.1

Definitions that are unclear or confusing that would cause problems for achieving the outcomes and objectives of the Act are "threatened species" and classifying some indigenous wildlife as "unprotected". The Victorian Wildlife Act should include all indigenous wildlife, terrestrial vertebrates and invertebrates, as well as aquatic mammals, birds, reptiles, amphibians and marine mammals under the Act and not re-define some species as

threatened and some as unprotected. Simply put, all native species should be protected under the Act, whereas non-native species should not.

### 1.5.2

Certain species of fish should be included in the Act as “wildlife” or “protected wildlife” such as sharks and stingrays and any threatened freshwater/marine fish. Non-indigenous vertebrates, however, should be excluded.



### 1.5.3

“Game” animals should not consist of any indigenous wildlife. They should not be defined as wildlife and therefore they should be excluded from the Act entirely and be treated under an Animal Welfare Act.

## **PART 2: HOW DOES THE ACT INTERACT WITH OTHER LEGISLATION ABOUT WILDLIFE AND ANIMALS?**

### **2.1 There are overlaps and gaps in the broader legislative framework.**

#### **2.1.1**

Interactions between the Wildlife Act and other legislation should always ensure that our wildlife takes priority in every situation and ensure the full protection of wildlife. Any gaps should be filled to ensure this, whereas overlaps can be overlooked.

#### **2.1.2**

Wildlife, flora and fauna could be regulated by a more inclusive statute as long as there remains full protection for all, with no inclusions of wording which will allow governments, industry or individuals to find exemptions resulting in the killing of wildlife, or destruction of the environment.



### 2.1.3

Game management should be regulated under its own Act or under an Animal Welfare Act to distinctly separate it from indigenous wildlife. This would ensure wildlife would not be treated as “game” and allow specific rules and protection/welfare for “game” animals.

## 2.2 Managing wildlife populations that span jurisdictions and land tenures is difficult under the Act.

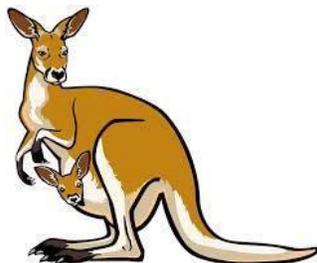
### 2.2.1

Regulatory differences between states hinders wildlife management as slack regulations in other states allows for the killing of wildlife on a grand scale thus decreasing the overall population of certain species in Australia and putting pressure on other states to do likewise.

At Carlisle River Wildlife Shelter we are in constant contact with other state wildlife carers sharing knowledge on wildlife care and information. In the last few years information has been passed to us from states such as Queensland and NSW, that their state regulations and governments have downgraded protection or found loopholes in their regulations to allow for the indiscriminate slaughter of kangaroos, mainly for kangaroo meat and skin, by the kangaroo industry. In Queensland, legislation has allowed the building of “cluster” fencing on farms in a ruse to keep out dingoes, but in fact has been used to fence in emus and kangaroos, fragmenting their environment, trapping them and they are then slaughtered en masse. NSW has allowed for the killing of kangaroos even in drought conditions, when the breeding rate is zero, just to fuel this industry and appease farmers. With kangaroo numbers crashing in these states and the number of kangaroos sighted by the community and travellers down to single figures, if that, the pressure has now come to Victoria to allow the culling of kangaroos for the pet food industry, and the Victorian government has caved into the demand.

### 2.2.2

Review of the Victorian Wildlife Act may make no difference in the regulation across land tenure regimes. If the review does not tighten protection of our wildlife, it will make the killing and misuse of our wildlife comparable with other states and thus make no difference. If, on the other hand, Victoria chooses to tighten protection of our wildlife, it will at least protect Victorian wildlife for future generations and stand out as a beacon for other states to follow. It should not be up to this review to address differences between Victoria and other states, but to ensure that the Victorian Wildlife Act is the best it can be to protect our wildlife and hand down the harshest penalties to those who choose to kill or misuse them.



## 2.3 The current legislative framework doesn't preserve and conserve habitat.



### 2.3.1

The Panel's Issue Paper already describes the way the Act fails and succeeds in protecting and conserving wildlife habitat.

- "...it does not account for indirect threats such as the destruction of wildlife habitat."
- "State wildlife reserves and nature reserves, for example, may be created to propagate and manage wildlife and preserve wildlife habitat."
- "Offences include prohibitions on unauthorised removal of sand (s 21) and fallen trees (s 21AA) in state wildlife and nature reserves."
- "Section 87(1) of the Act allows the Governor in Council to make regulations for preservation and maintenance of wildlife habitat."

However, from my own experience, the Act clearly does not protect and conserve wildlife habitat, when it allows fuel reduction burns in known Long-nosed potoroo habitat in Carlisle River by government departments, burning to the ground grass trees known to protect the potoroos from predation from birds of prey and foxes.

### 2.3.2

The Act should include a section concentrating on regulations to protect and conserve wildlife habitat, with severe penalties for destruction of habitat and no exemptions for fuel reduction burns, especially in known threatened species habitat.

### 2.3.3

The Act should not allow landowners to destroy wildlife and wildlife habitat. It could set out duties for landowners to protect wildlife and wildlife habitat on their land, but this must include education and possible room for financial assistance if required.

## 2.4 The treatment of wildlife as property.

### 2.4.1

Property rights relating to wildlife need clarifying as wildlife should not be considered property at all but have a legal right to exist on its own. Various governments throughout the world are beginning to recognize that sentient animals have some rights that ought to be protected by our legal system. "... all sentient beings should have at least one right- the right not to be treated as property." (The Rights of Nature A Legal Revolution That Could Save The World– David R Boyd 2017). In order to protect our wildlife, we need to

give it legal protection and legal rights. The first of which is to remove ownership of wildlife from any one person, body, government, landowner, state or country.



#### 2.4.2

Private landowners should not have greater rights to the use of wildlife on their property. To protect wildlife, we need to get rid of this philosophy that we have a right to **use** wildlife – we do **not**. We share this planet with wildlife, we do not own it, they are not a commodity to use and they have a right to exist, live, feel, be free from pain, torture and discrimination.

#### 2.4.3

The Act should recognise the sentience of wildlife as this would give greater protection to our wildlife. Giving our wildlife legal rights ensures that the Crown is obliged to protect them for current and future generations. Many countries throughout the world have put into place such measures (e.g. Germany and Austria) to ensure animals are protected for future generations.

Such recognition would ensure that wildlife cannot be used and exploited by government, businesses and individuals and thus protecting our wildlife.



#### 2.4.4

Traditional Owners and Aboriginal Victorians should be given the same rights and responsibilities relating to wildlife as the rest of the community so as not to discriminate, and thus affording our wildlife the protection it so desperately needs.

## PART 3: WHAT MECHANISMS DOES THE ACT NEED TO ACHIEVE ITS OBJECTIVES?

### 3.1 The Act lacks principles about how to manage wildlife.



#### 3.1.1

The Act should include statements of principle and criteria to guide regulators, duty holders and the public. They need to be included to give clear direction that the purpose of the Act is to protect wildlife and thus give guidance to regulators, duty holders and the public to achieve this.

Principles such as:

- Wildlife protection overrides development, mitigation and economic considerations.
- Decisions, actions or things directed towards minimising harm or a risk of harm to wildlife health and their environment should be top priority.

- Responsibility to protect wildlife and their environment should be shared by all levels of government, industry, business, communities and the people of Victoria.
- Actions and decisions are to be based on protecting wildlife.
- Where threats of serious or irreversible harm to wildlife or their environment exist, lack of full scientific certainty should not be used as a reason for postponing measures to prevent or minimise those threats (the precautionary principle)
- Participation, consultation and involvement in decision making to be a requirement with all members of the community regarding welfare and protection of wildlife, when a conflict exists between wildlife and human interests.

should be included in the Act to ensure that there are no loopholes which can be used to harm or kill wildlife by vested interests.

### 3.2 Does the Act facilitate an equitable and participatory approach to wildlife management and conservation?



#### 3.2.1

The Act should include provisions for consultation with the community on issues involving wildlife protection especially if it allows for the culling of any species of wildlife. At present any landowner or business can apply for an ATCW without the need for consultation with neighbours or the greater community. Being able to interact and/or watch wildlife is every Victorian's right, and as such, should not be taken away by any single body, individual, company, industry or government without proper consultation with those that may be affected by the killing of our wildlife (such as kangaroos), and a chance for those who may be affected, to object and provide their input.

#### 3.2.2

Community involvement in decision making under the Act can be improved by making it a legal requirement for community consultation before any action is taken to harm or kill any wildlife.

#### 3.2.3

The Government is currently heavily involved with private sector "actors" whose activities are directly contrary to wildlife management and conservation. Their financial support for the kangaroo shooting industry is a shocking example of a government entering into and supporting the private sector, in circumstances where both the industry and the government are aware that, without such support, the industry would collapse. This support is based upon figures for Kangaroo populations which the government has knowingly and demonstrably falsified, as well as inflated figures of the value of the industry to the economy. Continued efforts by many organisations (including ours) to prove to the government that they are wrong in all respects to support this cruel industry, which has the potential to cause the decimation or extinction of the Kangaroo population are met with a government barrier, the "brick wall" of rejection that only governments seem able to erect.

Government organisations such as VicForests RAPE the habit of endangered species, particularly Koalas and possums including the seriously endangered Leadbeater's possum and Greater Glider. Both the environment and the animals lose out, and the public has no redress. Mass protests have, in some cases, achieved small victories, but much of the plundering attributable to VicForests goes unaccountable, indeed hidden by the government from scrutiny by those who actually care. Once again, people who attempt to protest that the objectives of the Act are being wilfully abused are met by the combined barrier of a governmental body backed by the government itself. What is worse is that both know that they are in the wrong!

The government has appointed a body to be responsible for the management of the environment, and no discussion of "barriers to private sector actors having meaningful involvement in wildlife management and conservation in Victoria" would be complete without mention of this virtually insurmountable barrier to any meaningful achievement in this regard. These barriers can only be minimised by having a complete re-think about the structure, authority, priorities and management of this department. You cannot have a government department which is both responsible for wildlife protection and responsible for allowing persons to use wildlife, cull wildlife and/or destroy their environment.

Barriers are created for individuals and the community to object to the use and culling of wildlife and the destruction of their environment, yet no barriers seem to exist for those intent on using our wildlife or destroying their environment for financial gain. This defeats the purpose of the Act.

If there is to be meaningful involvement by private sector actors in wildlife management and conservation in Victoria, it must be open to all, not just a few with vested interests, and focus on protection of wildlife not the "use" of wildlife.

### **3.3 The Act has no framework for enabling wildlife management plans.**

#### **3.3.1**

The Act should enable wildlife management plans to ensure protection of all wildlife in Victoria. The plans should primarily focus on conserving and preserving wildlife, not in how best to sustainably use and kill wildlife through ATCWs. Such provisions should include: -

- Habitat preservation
- Education of landowners on wildlife
- Consultation with the wider community, not just those with a vested interest in culling wildlife for financial and/or political gain
- Welfare of the wildlife concerned
- Scientific based data on wildlife habits and populations
- Be legally binding and enforceable



### 3.4 The permissions framework lacks clarity, transparency and accountability

#### 3.4.1

The Act should never simplify the provisions relating to licences, permits and authorities which relate to the hunting, sale, use of and culling of wildlife. In fact the granting and regulating of such licences, permits and authorities should be harder, stricter, have legal requirements and any transgressions should be legally enforceable, something which is currently not the case. At present many of these licences, permits and authorities are easy to obtain, not sufficiently regulated and transgressions are rife, rarely discovered, and if discovered, almost never successfully prosecuted. If there was to be any reduction in the regulatory burden of such licences, permits and authorities it would undermine the intended outcomes of the Act, putting our wildlife at even more at risk.

Licences, permits and authorities relating to the rescue, rehabilitation and release of sick, injured and orphaned wildlife should be overseen with more education, encouragement and mentoring. At present there is little education on offer by the government and guidelines are produced by persons not educated in the practice, care and biology of wildlife. Far too often these same people write the rules by which wildlife carers must operate and enforce these rules whenever it suits them. This can result in the loss of good, educated carers on a whim, while carers who may not be rehabilitating wildlife correctly remain active, and discourages new people from becoming wildlife carers. If the Act encouraged authorities to take a more active role in education, support and mentoring of persons with an authority to rescue, rehabilitate and release sick, injured and orphaned wildlife, or those interested in obtaining such an authority, instead of adopting the current rather high-handed attitude, our wildlife would benefit, which is surely the intent of the Act.



### 3.5 Fees imposed by the Act do not fully recover costs

#### 3.5.1

No the Act is not transparent about who pays for regulatory services.

### 3.5.2

Full cost recovery is not appropriate when it comes to the protection of wildlife. Protection of wildlife should be subsidised. However, cost recovery for any licences involved in the culling, hunting or sale of wildlife still permitted within the Act should be increased heavily to recover costs and used to fund wildlife recovery projects.

## 3.6 The Act doesn't have a mechanism for the making of mandatory codes, standards or guidelines

### 3.6.1

The Act should contain provisions that allow for issuing mandatory codes of practice, standards or guidelines.

### 3.6.2

Activities such as hunting, culling and commercial sale of wildlife would most benefit from the development of mandatory codes and standards which are legally binding, enforceable and result in heavy fines for non-compliance and illegal activities.

Guidelines for the rescue, rehabilitation and release of sick, injured and orphaned wildlife should be mandatory, but transgressions or non-compliance should be taken on a case-by-case basis with further education and mentoring to ensure the best welfare outcomes for wildlife.



## **PART 4: DOES THE ACT PROMOTE TRANSPARENCY AND ACCOUNTABILITY?**

### **4.1 Should expanded reporting requirements be included in the Act?**

#### **4.1.1**

The Act does not require an adequate degree of transparency about, and accountability for, decision making on matters relating to wildlife.

Decisions made on the issuing of ATCWs is kept from public viewing and hard to obtain through FOI. No consultations are possible and no submissions/objections are accepted.

The annual issuing of ATCWs should be made public with full disclosure of:

- the number of animals taken
- where and when
- the current population of the wildlife culled in the district where the ATCW was issued
- number of non-compliance fines issued
- number of successful prosecutions resulting from non-compliance
- reason for issuing ATCW
- whether education provided before issuing ATCW
- methods of control actually used before issuing ATCW

The annual Duck Hunting and other Game hunting season should have a public consultation period before approval with adequate time for public contributions.

All government departments involved in the management of wildlife by culling or hunting should be made to justify, scientifically and independently:

- reasons for culling
- population of wildlife managed in this way
- parties involved in making decision
- number of wildlife killed
- number of non-compliance fines issued
- number of successful prosecutions resulting from non-compliance



## 4.2 Should independent expert advice play a greater role in decision making under the Act?

### 4.2.1

The Act should definitely include provisions that require and enable the establishment of a scientific advisory committee or for 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. This is mandatory to ensure for the protection of Victorian wildlife. All committees or panels should consist of people with expert knowledge on wildlife and wildlife habitat as well as having no vested interest, financially or politically, to cloud the advice they would give.

Too often decisions about our wildlife are made or influenced by persons who have a vested interest, financially or politically, in the outcome. This results in more culling permits, pet food trials, habitat destruction and duck hunting seasons. If this is permitted to continue, there will be a sharp decline in wildlife populations across Victoria and no wildlife for future generations to enjoy.



## PART 5: ARE CURRENT ENFORCEMENT AND COMPLIANCE MECHANISMS ADEQUATE?

### 5.1 It's not clear whether the Act creates the appropriate offences

#### 5.1.1

The Act should include as an offence:

- any persons from entering or shooting wildlife on properties that are not part of an ATCW or designated as a hunting area
- hindering or obstructing an authorised person from rescuing injured or orphaned wildlife

### **5.1.2**

Offences which prevent authorised wildlife rescuers to enter hunting grounds to rescue injured wildlife and/or set up triage areas, should be repealed.

## **5.2 Do maximum penalties deter or sufficiently reflect the seriousness of offences?**

### **5.2.1**

The maximum penalties in the Act are far from adequate to punish and deter offenders as can be seen by the case mentioned of the wedge-tailed eagles in the Panels Issue Paper, and also by numerous offences throughout the state in the last few years, where offenders have been fined extraordinarily little or not at all and let off with only community service.

Fines should be hefty and very much in line with that of the Environment Protection and Biodiversity Conservation Act 1999. There must be severe repercussions for those who feel it is necessary to harm/kill wildlife and/or destroy their environment. The Act should be there to protect our wildlife, so must impose fines for offences which are severe in order to achieve this.

## **5.3 Continuing offences and additional penalties could be strengthened**

### **5.3.1**

The Act should also contain general provisions creating continuing offences and allowing for additional penalties.

## **5.4 The sentencing process does not provide sufficient guidance for judges**

### **5.4.1**

The Act should contain provisions to permit community impact statements relating to the harm caused to wildlife as this will clearly show the extent of the offence committed and also provide a voice for witnesses to the offence.

## 5.4.2

The Act should also contain specific provisions to guide sentencing of offenders convicted under the Act. This would highlight the severity of many offences and the consequences that these offences have on wildlife and the community as a whole.

## 5.5 The Act could also contain a number of other sanctions and remedies to help achieve its objectives



### 5.5.1

The Act should contain civil penalty provisions such as:

- habitat destruction which occurs during duck hunting seasons e.g. Shot gun pellets found in ponds and digested by wildlife
- detrimental effect on tourism and tourist operators in regions/areas where there has been shooting of wildlife due to ATCWs and/or duck hunting
- physiological and emotional impact on the community/person due to wildlife destruction

### 5.5.2

Infringement notices for minor offences are not necessary in the Act. This would be open to abuse by authorities wishing to put pressure on people who are rescuing and rehabilitating wildlife. More focus should be put in the Act to prosecute those who are intent on harming and killing wildlife than to focus on those who are trying to protect them.

Some wildlife carers and shelters are already being threatened/bullied by those in authority. Enabling infringement notices to be handed out to such carers for perceived breaches (and there will be perceived breaches) by authorities who know nothing about rehabilitating wildlife, will not protect wildlife but push efforts to rehabilitate them backwards. Warnings, education and mentoring/supporting should be enough in most cases to handle minor offences. It is those breaches/infringements that result in the killing of wildlife that should be prosecuted to the full extent of the law and the Act should make this its top priority.

### 5.5.3 to 5.5.8

Carlisle River Wildlife Shelter and its carers feel that they do not have the necessary legal background to answer or comment on these questions relating to legal inclusions in the Act.

## 5.6 Authorised officers may not have the necessary powers to enforce the Act

### 5.6.1

The Act contains the necessary powers and provisions to enable authorised officers to enforce the Act.

At present the Act enables many species of wildlife to be killed and hunted with the sanction/help of authorities. These same authorities then have the power to harass and bully people and communities who are wanting to protect wildlife and those rescuing and rehabilitating injured and orphaned wildlife.

Until the Act focuses wholly on wildlife protection and enables prosecution of those who kill wildlife and destroy their environment, authorities should not be given more power. Authorities should only be given the necessary powers to enforce the Act if they are focused on stopping the killing of wildlife and destruction of habitat.

## 5.7 Are appeal and review provisions sufficient?

### 5.7.1

The Act does not provide appropriate provisions for the review and appeal of decisions. It allows for applications to be made to the Victorian Civil and Administrative Tribunal to review a decision but does not allow for reviews and appeals to be heard before a decision is made.

This results, more often than not, in applications to review ATCWs and hunting licences/seasons to be heard after the culling/killing of wildlife has begun. There is no consultation period allowed for in the issuing of ATCWs. The first that neighbours and the community know that an ATCW has been granted is when they hear the gun shots. Too late to apply for a review.

Duck hunting seasons offer extraordinarily little time for consultation and review by the community. They are often decided upon just by government officials and the Game Management Authority with inputs from the Shooter's Association. No representation from wildlife organisations, wildlife carers and tourism are found on these committees.

The Act urgently needs to include consultation and reviews before the issuing of licences to control, manage and hunt wildlife. It needs to stipulate that such consultations and reviews **MUST** include members of the scientific community specialising in wildlife ecology, wildlife organisations, wildlife shelters/carers, tourist operators and members of the local community.





## 5.8 Should the Act provide for third-party civil enforcement?

### 5.8.1

The Act most definitely should provide for third-party civil enforcement under the Act. This would enable communities, tourist operators and landowners the right to protect wildlife from imminent harm and/or death at the hands of an unauthorised person/s and protest to the issuing of killing and hunting licences.

This would result in achieving a much better outcome for our wildlife and ensure that the Act is actually there to protect the wildlife, which is its intent.

## Conclusion



Acknowledgement to wildlife rescue QLD for picture

Carlisle River Wildlife Shelter is amongst quite a few wildlife shelters in this state, who have witnessed firsthand the lack of protection our wildlife has.

We have:

- had neighbours given ATCWs to shot kangaroos without first been provided with education on kangaroos and how little effect they have on introduced pasture, nor have they needed to demonstrate other forms of control.
- had to go out on numerous rescues to euthanise kangaroos who have not been shot according to guidelines and left to suffer for days.
- received many joeys throughout the years who came to us as a result of their mother's being shot by ATCWs.
- had to euthanise swans and ducks that had been shot during the duck hunting season
- had to raise abandoned chicks found on wetlands after a day of duck hunting
- had burnt wildlife or orphaned wildlife bought to us after fuel reduction burns
- been unable to take part in consultations, reviews or stop ATCWs being issued to our neighbour

The current Victorian Wildlife Act 1975 in its current format does nothing to protect our wildlife. It has so many exemptions to rules which are supposed to protect wildlife and, thus, are in fact allowing for the harming or killing of that wildlife, and has penalties for offences against wildlife which are ridiculously inadequate. This has allowed for the destruction of Victoria's wildlife on a grand scale and allowed for the

introduction of a kangaroo pet food industry into Victoria. It has allowed landowners, people, industry and governments with vested interests to take advantage of parts of the Act to destroy wildlife.

At present, Victoria's wildlife is only protected when it suits the government. Whenever there is a development of industry, housing or infrastructure that is wanted and wildlife is in the way, it is no longer considered as protected. Whenever a landowner feels the wildlife is interfering with his livelihood, our wildlife is no longer considered protected. Whenever a minority thinks it is entitled to shoot wildlife for sport, our wildlife is no longer protected.

The Victorian community and future generations expect much more than this from an Act which is supposed to protect wildlife and their environment. The Act must be overhauled to make its main priority wildlife protection. No "ifs", "buts" or "promises". It must be clear in its rules, allow few, if any exceptions, and have very harsh penalties for any offences.

It is a great chance for this panel to be innovative and ground-breaking, a chance which I hope you will take. Let Victoria show and lead the other states and the world in wildlife protection, so that future generations can enjoy Victoria's unique wildlife. Please do not let our wildlife down.

