

Wildlife Act Review

Issues Paper questions – Response 40:

Contributor: Individual

Primary interests:

- Protection and conservation of wildlife and habitat
- Management and control of wildlife causing problems or damage

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.

The Act fails to represent current expectations relating to feral deer, by inappropriately including them in an Act that should be wholly focussed on Native Wildlife. All deer species are introduced, and so should not be included in any materials relating to native fauna. Inclusion of deer provides uncertainty to the community as to whether they are an introduced or native species. Allowing feral deer to remain as 'game' under the Wildlife Act 1975 in Victoria because they are 'already established in the wild in Victoria and beyond eradication with current control methods', is inconsistent with how we approach other pest animal management eg. rabbits, foxes and pigs. In the wild, feral deer and each of these other animals are invasive pests and should be unequivocally recognised as such.

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 objectives of the Wildlife Act to protect feral deer for game hunting is totally inappropriate and inconsistent with other government policy and legislation. There is confusion both in government and the community by the fact that feral deer are protected as game under the Wildlife Act, whilst there are exemptions allowing deer to be "unprotected", but only on private land and not including Hog deer. Public land managers currently must seek an 'Authority to Control Wildlife', to permit the removal of an introduced feral pest, to protect biodiversity and wildlife habitat in conservation areas, which is inconsistent with the National Parks Act which directs Parks Victoria managers to "eradicate or control exotic flora and fauna in parks". There is ongoing conflict between those dedicated to the protection of native flora and fauna and game hunters. The latter seek to protect deer for their recreational purposes, perhaps oblivious to the damage being done by deer to vegetation, water, soils and human safety. It is not sufficient that deer are 'unprotected on private land where they are causing damage' - what about the damage caused on public land? It is not appropriate that control of deer on public land still requires an approved Authority to Control Wildlife (Authority to Destroy Game) - the Victorian Deer Control Strategy claimed to be removing this requirement - but when is this to happen? Describing deer as a protected game species, and then acknowledging their damage is inappropriate for a Wildlife Act. I am aware of some hunters who believe that deer should not be in peri-urban areas, recognising that they are a danger on the roads, are damaging the native vegetation and destroying orchards and vineyards, but still believe that they should be protected in State Forests and Alpine parks, for their ongoing hunting pursuits. Deer have large home ranges, and need to be controlled in all locations where they are present - not just those ones where damage is done. Deer are in such large numbers that there is no risk that they will 'run out' of deer! This review of the Wildlife Act should consider the recommendations from the Federal

Senate Inquiry into the Impacts of Feral Deer Pigs & Goats in Australia, particularly :

Recommendation 8: The committee recommends that all Australian jurisdictions make any necessary changes to their existing legislative and regulatory frameworks to: ensure that wild deer are treated as an environmental pest; maximise the ability of landholders to control feral deer on their land; and maximise the ability of park managers to control feral deer in World Heritage Areas and National Parks.

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?

There is concern by some people (or a reason that is often provided) that listing deer as a pest animal species under the CALP Act will place an unreasonable burden on landholders to control deer - it is too difficult or expensive. This is not a reason to continue the protection of deer under the Wildlife Act. For one, failure to control many pest animals is not actively enforced through by the CALP Act by issuing of Directions Notices or Land Management Notices, so there is really no excessive burden. (Although enforcement should be enforced better.) Secondly, there are examples of deer being listed as a pest where the obligation to control has not been included. eg to better support landholders managing abundant deer herds, the NSW Government amended the Game and Feral Animal Control Act 2002 in September 2019. The change removes the requirement to hold a NSW Game Hunting Licence, allowing licensed and reputable hunters to assist landholders with feral deer management on private land. This allows deer to be managed in the same way that rabbits, foxes, pigs and goats are controlled. However what makes this change workable for landholders is that a formal control order has not been made under the Biosecurity Act 2015, which means there is no obligation to eradicate placed on landholders and managers beyond the general biosecurity duty. If Victoria were to follow this lead, deer could be recognised as the damaging pest that they are, facilitate easier control by removing the requirement for a game licence or ATCW, but does not preclude anyone from hunting deer if they so wished.

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?

The fact that the Act provides for the Governor in Council to proclaim any wild animal to be wildlife for the purposes of the Act, including non-indigenous animals such as deer and some game bird species (game) is at odds with the intent of the Act which is to protect indigenous plants and animals. As the issues paper says, non-indigenous animals such as deer cause immense damage to the environment and are increasing in number so rapidly that providing any form of protection, such as placing obstacles in the way of control (eg ATCWs) is counter-productive to reducing numbers.

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?

Allowing feral deer to remain as 'game' under the Wildlife Act 1975 in Victoria because they are 'already established in the wild in Victoria and beyond eradication with current control methods', is inconsistent with how we approach other pest animal management eg. rabbits, foxes and pigs. In the wild, feral deer and each of these other animals are invasive pests and should be unequivocally recognised as such and removed from this Act. - Legislation and policy for invasive species should be consistent and clear across land tenure. Currently there is confusion in policy and legislation as to

how deer should be managed; - It is important that the legislation and policy for feral deer management is in alignment across Australia to ensure consistency of management practices and best possible options to reduce the serious impacts of feral deer. Victoria is lagging behind the other states in best practice deer management, policy and legislation; - The nomination of deer as protected 'game' under the Wildlife Act 1975 was made when deer were far fewer in number and were deemed in need of protection for recreational hunting purposes; - To dispel the misnomer that this will threaten sustainable game deer populations. - It is a contradiction to protect an introduced game species under the same act that also protects Victoria's indigenous wildlife. Feral deer are a direct threat to the wildlife and habitat that the Wildlife Act is aiming to protect; All native wildlife should be defined and protected as native wildlife, including our native ducks and quails, especially considering waterbird populations have dropped by 90% in the last 4 decades (Kingsford, 2019).

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

No introduced game animals should not be defined as wildlife, however there are currently some native animals that are currently listed as Game. These native game species should be included in the Wildlife Act in order to be able to manage them as such. Game animals such as deer should be defined and managed only through the Game Management Act. The only reference to deer within the Wildlife Act should be that wildlife and wildlife habitat is to be protected and managed from the impacts of deer.

2.1.2 Should wildlife, flora and fauna generally be regulated by a more inclusive statute?

It would likely be more productive and easy to understand if there was legislation that covered flora, fauna and habitat management in one document, so that interactions and interdependencies can be better managed and understood.

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

Yes, so long as the pest status of any animal is accounted for -eg deer may be recreationally hunted, but they must first be recognised and managed as an invasive animal, damaging native flora, habitat and directly or indirectly causing damage to wildlife. Thus deer should be first managed to reduce their impacts, through drastically decreasing populations densities and ensuring that overall cull numbers (by hunting and control) exceed the breeding rates (eg 40% of Sambar numbers need to be removed annually to keep populations stable, more than 40% to see any decrease in the population). Game Management Authorities should be educating deer hunters on the impacts, and encouraging better population management through targeted removal of females, and not leaving stags to mature.

2.2.2 How can the review of the Act address differences in regulation across land tenure regimes?

Acts across all states need to be consistent in their approach to wildlife, and in particular ensure that pest/invasive animals have the same status across all borders and land tenures, so as not to create harbours within which deer can continue to breed unabated.

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 focusses on protection of wildlife but does not provide sufficient direction on how to do this -which often involves managing the vegetation and habitat within which the wildlife resides.

Whether it is increased use of Land / Habitat Management Plans, or some other mechanism I am unsure, but I feel that it needs strengthening.

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?

information and education is key. You don't know what you don't know. The significance of some shrubby vegetation, a sandy embankment or an ephemeral swamp may seem unimportant, or regarded as ugly, without better knowledge of what those things provide - habitat for small marsupials, nesting for a pardalote, or habitat for seasonal wading birds. We have protection measures for native vegetation removal through the Planning Scheme, however there is little guidance for how to recognise and manage habitat for wildlife. The Gardens for Wildlife program offers habitat management solutions at a small, urban scale often, but these concepts could be provided to larger property owners. Whether this is as a 'duty' or as a guide I am unsure.

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

Wildlife should not be regarded as property of anyone.

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

no, as they are not their property, and come and go as they please.

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?

ACTWs should be followed up with reports to ensure that the permit is being adhered to - eg number of kangaroos permitted to be culled.

Provided June 30/2021