

Submission to Review of Wildlife Act 1975

Introduction

I am writing as a private individual and family person, very concerned about wildlife, climate change and extinctions. My background is in mathematics, policy and regulation.

Key issues

I will address the following:

1. Loss of unique tourism potential
2. Loss to future generations
3. Failure of current legislation to stop the killing regime
4. The uneven playing field – ordinary voters vs industry groups that profit from the killing
5. The particular cruelty and mayhem of duck shooting
6. The hijacking of “science” to defend cruelty and unsustainable killing.
7. Failure of public consultation processes
8. Transparency
9. Need for an independent Wildlife Advocate
10. State Game Reserves
11. Deer

1 TOURISM

No other country has our unique landscape, the palette of colours, the incredible variation (because we cover such a range of latitude), and the wonderfully adapted wildlife. We do a poor job of marketing these natural assets to the world. Under COVID, we can only market them to our fellow Australians, but our efforts there are pretty unimaginative.

The bravest story of wildlife tourism is the Phillip Island rescue. In the 1980s, the Cain Labor government moved an entire housing estate in order to give the penguins a safe place to live. (Developers had taken over the penguins’ habitat and the penguins were being wiped out by dogs, cars and human interference.) Today it’s a beautiful wildlife centre and the penguins are an international tourism drawcard.

When ordinary Victorians hear about wildlife slaughter, they are outraged, as in media reports of wombat hunting for Asian tourists. This is not the sort of tourism we want.

If we are serious about protecting and conserving wildlife, we need taskforces of wildlife lovers, nature groups etc to pool ideas as to which areas and animals could safely be showcased to the public, and what infrastructure would be needed (e.g. walking tracks, bird hides, shelters, signage, information boards, perhaps even a café with audio-visual displays for wildlife that is hard to see all year round).

It seems that our tourism authorities sit in their offices and focus on existing facilities (e.g. Phillip Island) rather than thinking of future developments. Perhaps they have little understanding of nature and its tourism potential, so they need to engage with those who do. This has enormous economic potential and will help to offset the dubious claims (from the wildlife killers) that their ‘industries’ will be damaged and jobs will be lost if we curtail or stop the killing.

2 FUTURE GENERATIONS

The Dr Seuss tale of “The Lorax” says it all. Logging, killing, over-fishing and housing developments are destroying the wildlife future for our kids and grandkids. Climate change is hastening the process. The damage from Black Summer has largely been forgotten as we focus on COVID. But it’s real.

When I was a child, picnics in the Dandenongs were an absolute wonderland, especially the tree-ferns, the huge gums and the bird calls. However I have never seen a lyrebird in the wild. My great-grandparents had lyrebird feathers decorating their drawing room, and they were not hunters, so I assume the birds were plentiful then. Sadly, that is no longer the case. The media reported lyrebirds trying to flee from the firestorms last year.

My husband used to drive from Melbourne to Swan Hill for work in the 1960s. He recalls the incredible abundance of waterbirds on the wetlands near Kerang. These have largely disappeared now. There is no attempt to restore or promote these wetlands as the world-famous Ramsar wetlands they are supposed to be. They are now simply duck shooting grounds for a tiny, and diminishing, portion of our men. I also resent the gender imbalance here – why should a minority group of males take precedence over people of all genders?

As I write, Canada is experiencing a record heatwave that is killing hundreds of people. We are yet to hear how many species of wildlife have been killed as well.

The Andrews Labor government has officially recognized human-induced climate change and is supposedly acting on it. But this calls for a much stronger pro-wildlife stance. All government agencies that deal with flora and fauna should be subject to our Climate Change Act 2017. Why is this not the case? For example the Game Management Authority (GMA) appears to be exempt from it.

It breaks my heart to think that our natural wonderworld is likely to be destroyed by the time our grandkids are parents themselves – and probably sooner than that.

3 CURRENT LEGISLATION

The current legislation appears powerless to control the decimation. The Wildlife Act 1975 is a vehicle that tells people how to apply for a licence to kill. It contains a few hefty penalties but they are rarely applied.

I am most familiar with the Game Management Authority (GMA) aspects. Long-term studies (1983-2020) of game waterbirds show clear decline of populations, some by an order of magnitude (90 per cent). These aerial surveys are well respected and conducted annually by Prof Richard Kingsford and team (UNSW). However this decline is refuted by shooters who hark back to a 2020 review paper that relied on data as old as the mid-20th century, to conclude that ducks were resilient to the losses

from shooting seasons. However climate change and the mismanagement of the Murray-Darling have decimated the ducks more recently.

Under the current regime, the default position is a full 3-month shooting season for native ducks and the native Stubble Quail. There are no quail studies to track population trends yet the default setting is a full shooting season, which happened again this year. Quail would have been particularly hard hit by the recent drought and mega-fires. While there are community groups that campaign against duck shooting, quail shooting largely slips under the radar. But good government should not rely on volunteers to sound the alarm. The legislative and administrative arms of government should protect and conserve our wildlife.

Any government agency that issues permits/licences/authorities to kill wildlife should first have to:

- demonstrate that long-term population trends are not in decline; or

- provide data that is accepted by all sides of the debate, to show that there is a population explosion, causing problems that warrant some type of control and then:
 - demonstrate what types of non-lethal control they have implemented. Only if that fails should lethal control be considered; and
 - publicise by public notice at relevant site(s) what type of killing is proposed, why and when. Objections can then be received and considered. This is similar to planning proposals that must be advertised so others can exercise their right to object.
 - I have friends in rural areas who are extremely distressed by the nocturnal shooting of the kangaroos that frequent their land and have become their wildlife friends and tourism drawcards. “Neighbourhood Impact Statements” should be provided to courts dealing with wildlife offences, so that locals can express their grief and loss.

4 THE UNEVEN PLAYING FIELD

Those who gain financially from killing wildlife (e.g. the kangaroo meat trade or the gun industry) have a huge advantage over ordinary voters who have little understanding of the complex web of legislation and the inter-play of government agencies. Yet the taxpayer contributes millions to keep hunting afloat and promote it.

Game licences are far too cheap. I do not know about other types of permits but I suspect they too would reflect a gross under-valuing of our wildlife.

A full-price duck shooting licence costs around \$60. Approximately one-quarter of duck shooters have heavily discounted licences: half-price (for those on welfare) or free (for juniors). A deer hunter can add a duck-shooting entitlement to his licence for an extra \$30 (or an extra \$15 if he’s a Centrelink client).

Quail shooting comes free of charge, bundled in with the duck shooting entitlement. These days, quail shooters use electronic calling devices to attract quail from the stubble or grass where they hide. When the quail have gathered, shotguns blast them to oblivion. Farmers are finding these bird-calling devices in their paddocks – evidence of trespass by quail shooters. It is hard to see how this qualifies as “sport” or “fair chase”.

The Wildlife Act delegates too much power and discretion to the agencies and the Ministers involved. If they are biased or easily bullied by powerful interests, then wildlife suffers.

Game hunting got a huge free kick when former Minister Peter Walsh (Nationals Party) was the Minister for Agriculture (2010-2014), responsible for hunting. As Minister, he never admitted he was a hunter himself. But prior to the 2018 state election, hunting lobby group Field & Game Australia (FGA) listed the candidates who were FGA members. Walsh was on their list.

In February 2020, when federal Nationals Senator Bridget McKenzie was demoted because of her failure to disclose membership of a hunting club to which she gave a so-called “sport-rorts” grant, Walsh finally acknowledged his FGA membership on the parliamentary register of interests.

Wildlife will always suffer while those in politics or bureaucracy can conceal their personal conflicts of interest. This must be made an offence under the revised legislation. All those politicians or bureaucrats involved with wildlife policy, regulation or killing must be required to declare that they either DO NOT have any potential conflicts of interest, or else disclose the conflicts they have. Those who claim to “manage” their conflict of interest must publicly disclose how this is achieved.

Under Peter Walsh, shooters were given their own taxpayer-subsidised hunting agency (the GMA), plus cheap licences, generous grants to gun clubs, liberalized hunting regulations, and a taxpayer-funded hunter survey to estimate the “economic benefit” of hunting. He protected the duck shooters from public scrutiny by banning wildlife rescuers and media on or near the water, with draconian fines (almost \$1,000) applying to offenders. These restrictions applied till 10am each day of the season, which is the time when most shooting occurs. Such fines were far greater than those applied to shooter transgressions that affected sustainability e.g. exceeding the bag limit or shooting a game species that was banned for the season due to its low numbers.

The Andrews Labor government has failed to roll back any of these Walsh-era pro-shooter initiatives, despite the fact that duck shooting continues to decline in popularity, with only 2 in every thousand Victorians taking part. *[It is always hard for a government to claw back the concessions and privileges given out by former incumbents.]* **More than three million native ducks have been shot for “recreation” since the Andrews government took office.** Roughly 1 in 4 of these would have died slowly and painfully from their injuries, while the others counted towards the shooter’s bag. **No season has been cancelled by this government, despite game duck abundance hitting an all-time low in 2016.**

It is time that politicians, bureaucrats and legislators called a spade a spade. **Terms such as “take” and “harvest” should be replaced by “kill” and “annual death toll”.** Waterbirds are not a crop so it is inappropriate to speak of a “harvest”. The continuation of such euphemisms shows that there is still no level playing field: the powerful are on the side of the shooters.

The opening of the 2017 duck shooting season was scandalous, despite the presence of GMA and other officials. In a media release that was not widely distributed and is no longer on the GMA website (copy attached for info) the GMA described it thus:

GMA Chief Executive Officer Greg Hyams said ... hunters present at First Marsh near Kerang fired early, failed to correctly identify their target, and failed to pick up spent cartridges during the opening weekend of duck hunting season.

"Birds were left in the water, including significant numbers of protected species such as threatened Freckled and Blue-billed Ducks."

"Several hunters also commenced shooting up to half an hour before the season opened."

In addition to illegal behaviour, Mr Hyams said many hunters were behaving unethically or irresponsibly.

"Hunters have been taking excessively long shots well outside of their shooting skills distance, resulting in wounding and lost birds. Some made no attempt to recover downed birds and kept shooting."

The ABC's 7.30 report showed pits filled with hundreds of dead game ducks that had been shot and buried to hide the evidence: <https://www.abc.net.au/7.30/dumped-dead-ducks-reignite-debate-over-hunting/8398902>

As a result of this gross regulatory failure, the GMA underwent an independent review by Pegasus Economics. The findings were scathing. Pegasus found the GMA was in danger of "capture" by those it seeks to regulate, and pointed to a number of indications that the GMA had sided with the hunters rather than talking a balanced view. For example, GMA always quoted the alleged "economic benefits" of hunting (as per the Walsh shooter survey) without acknowledging the many counter-arguments advanced by economists. **Pegasus recommended that GMA's regulatory functions be returned to a government department. However this has not been done, so the pro-shooter mentality prevails and our wildlife continues to suffer. It is shocking that the GMA now has the oversighting role for the kangaroo-killing program as well as the game-killing program.**

Politicians write back to concerned voters with platitudes like: "we understand that duck shooting is not everyone's cup of tea" or "we recognize that there are deeply held and divisive views about duck shooting within the community". However this is a cop-out, an excuse to let the shooter-friendly status quo continue. They also claim that duck shooting is "safe", "sustainable" and "highly regulated" – none of which are true.

A shotgun cartridge sprays hundreds of steel pellets through the air. It is a deliberate "scattergun" approach because the target is small and moving. Many birds are hit but not killed immediately. Shotgun pellets can shatter bones, flesh and eyes of birds that often live for days or weeks with those injuries, dying slowly. Many people fail to realize what happens to a bird in flight when its wing is struck. If it can't fly, it drops like a stone, smashing into the surface of water or earth with a force that causes far more damage to the stricken creature.

The recreational shooting of native waterbirds is animal abuse on a very large scale. It's time to end this suffering.

6 THE HIJACKING OF "SCIENCE" TO DEFEND THE KILLING OF WILDLIFE

The GMA and the NSW Dept of Primary Industries (DPI) seem to be colluding on aerial surveys to count the species they plan to kill. While some of their strategy involves highly sophisticated maths (with the help of scientists at the Arthur Rylah Institute - ARI) it suffers from the unreliability of all surveys: it assumes that the small number counted in the sample will be representative of the whole picture. There is no independent checking of this. So all such work is experimental and its accuracy is unverified and unknown.

I am aware that non-shooters are highly sceptical of the claimed population numbers resulting from kangaroo surveys and duck surveys. There is considerable overlap between the personnel involved with both types of survey. Unfortunately **the killing quota is based on the results of such controversial surveys. For species that are in decline – e.g. our native ducks and some species of kangaroo – this is very dangerous. There is no transparency of the process.**

Your Issues Paper (3.1) makes mention of "adaptive management" of species. This is a favoured term among shooters. It suggests that by relying on maths or computer calculations, we will have 100% knowledge of the situation and can then forecast "sustainable" quotas for the next killing season. **In my view, as a person with a postgraduate maths background, "adaptive management" is a very dangerous direction for our wildlife management.** Shooter-friendly bureaucrats have the final influence over the reports from the boffins and there are many factors and coefficients that can be massaged to give a favourable answer to justify more killing. There is no public scrutiny of this.

Indeed, a 2017 report¹ from the ARI noted that in the USA, the adaptive management program for hunting has increasingly become the preserve of a select bunch of quantitative specialists (no one else can understand it) and there are calls now for a more "rule of thumb" approach.

Both the GMA and NSW DPI have adopted the arbitrary notion that a 10% kill each year will be "sustainable". There is no scientific evidence for this. That figure has been taken from overseas countries that use it on species that are bountiful (not under threat, like ours). However a 10% quota ensures that the HUNTING is sustainable (i.e. continuing) while the species continue to decline. **The term "sustainable hunting" is ambiguous – shooters want to sustain the hunting but non-shooters want to sustain the wildlife populations.**

A particularly worrying example of the "hijacking" of science is a 2019 ARI report² : *Assessing waterbird susceptibility to disturbance by duck hunters in Victoria*. The report takes a scholarly approach to its task, examining and rating the impacts of duck shooting on migratory and other threatened species. However when it comes to the critical conclusion about when protective action is necessary, it sets the bar far too high by borrowing a criterion for Ramsar eligibility (globally important wetlands). In the words of the report (p10), the recommended trigger for action "is

¹ *Towards the implementation of adaptive harvest management of waterfowl in south-eastern Australia*, Ramsey et al, ARI, 2017

² https://www.gma.vic.gov.au/_data/assets/pdf_file/0005/581486/Assessing-waterbird-susceptibility-to-disturbance-by-duck-hunting-in-Victoria.pdf

unlikely to significantly hinder duck hunting opportunities”. This wording is typical of GMA’s phraseology. The author’s ‘Acknowledgement’ at the front of the report thanks two GMA staff for their helpful input. An FOI request has established that at least one of these men is a duck shooter.³

This example shows the insidious hijacking of “science” by shooters. The GMA can say it has commissioned a scientific report to examine the impact of duck shooting on protected and threatened species. Its governing legislation (GMA Act 2014, s6(e)) says it must address this. But the “do nothing” conclusion of the ARI report is not based on science at all and is certainly not consistent with the purpose of the Wildlife Act 1975: protection and conservation of wildlife.

7 FAILURE TO GENUINELY ENGAGE WITH PRO-WILDLIFE STAKEHOLDERS

A current review of the hunting regulations – the Wildlife (Game) Regulations 2012 – has already closed its consultation with “stakeholders”. No environmental groups were considered “stakeholders” so they have had no chance to comment yet. These regulations were last reviewed ten years ago under former Minister Walsh. He made sure that extensive consultation took place with no less than 14 hunting groups, so that the proposed regulations included their requests. Then four weeks were allowed for “public consultation” that didn’t even have a media release to publicise the process. Hard-pressed charities struggled to digest the 226 pages of discussion paper and proposed regulations and respond to it within that timeframe. That is simply an abuse of process.

The revised Wildlife Act must mandate much longer periods for public consultation on environmental and wildlife matters, and structure that consultation so that there must be a media release, and scope for community information sessions to explain the main issues in user-friendly ways.

The community groups and charities that try to speak up for wildlife have been overtaxed this last year with worthy, overdue but concurrent demands e.g review of POCTAA, EPBC Act (federal), Wildlife Act, Wildlife (Game) Regulations 2012, the annual submission re the forthcoming duck shooting season, a new Animal Welfare Act etc. **There is no co-ordinated government concern for the pro-wildlife groups and their limited resources. A genuine interest in their views would schedule the various reviews to allow more time for effective engagement with the public.**

8 LACK OF TRANSPARENCY

Taxpayers have a right to know – and to easily locate relevant information – about:

- the various programs that kill wildlife, and the costs of administering each
- What non-lethal methods are available and have been explored to control wildlife
- the amount of public funds that support the killing e.g. grants to gun clubs; industry grants to companies

³ The Board Chairman at GMA is also a duck shooter.

- the methods used for killing, and what safeguards or monitoring are in place regarding cruelty or other illegal behavior
- prosecutions for wildlife offenders
- the number of each species killed each year, and which agency authorised each permit
- the long-term trends in population numbers of targeted species
- potential conflicts of interest for personnel involved with wildlife policy and management.

There are probably many more to add to this list, but that's a start. Currently the above information would be nigh impossible to find on government websites.

9 NEED FOR WELL-FUNDED INDEPENDENT ADVOCATE FOR WILDLIFE

Anecdotal reports suggest that the GMA bullies its way at inter-departmental meetings. After all, it has only one purpose – to facilitate more recreational killing – whereas other agencies have multiple responsibilities. GMA seems to be a law unto itself, with DELWP, DJPR and Parks Victoria having little influence or control over it.

There will never be a level playing field for wildlife while there is no properly resourced counter-voice to the GMA.

We need a new independent statutory authority - a Wildlife Agency - to be established under the revised Wildlife Act, to advocate for wildlife and to oversight other agencies dealing with wildlife issues.

Not even content with their own pro-shooting agency (the GMA), the shooters now want their own pro-shooting Act rather than being subject to the Wildlife Act. This must not happen; they have had more than enough privileges. Society needs fewer guns but more compassion and empathy for the wildlife and the environment – before it's all destroyed!

10 RENAME AND REPURPOSE THE STATE GAME RESERVES

Shooters are the first to complain if there is talk of a new National Park: they say they will be “locked out”. But they don't mind locking out the public from waterways and wetlands for 3 months each year while they shoot ducks. Shooters also claim they “bought” the State Game Reserves with their licence fees. Judging by the low level of licence fees today, that's a highly dubious claim and hard to validate because the relevant documents are shrouded in the mists of time.

It is time to open up these public lands. They should not just be shooting grounds. We all share this beautiful state and its wildlife. Shooters should not be allowed to commandeer and kill our wildlife – for a “peanuts” sized fee. IN 2018 the Coalition promised to allow the GMA/shooters to manage the state game reserves. This is an appalling ‘gift’ of our public lands to a tiny, cruel, but noisy minority of the population. The revised Wildlife Act must return the so-called State Game Reserves to general public use, excluding hunting.

In addition to the State Game Reserves, there are thousands of waterways and waterbodies where duck shooting is permitted. Deer shooting is permitted across approximately half of Victoria.

I challenge your Review Committee to locate a set of accurate maps showing where recreational game hunting is permitted in this state. I am told that a comprehensive, reliable set of such maps does not exist. But even from the maps that do exist, I am sure you would be shocked to see how numerous and widespread are the known killing fields. This must change. We are no longer a state of killers.

11 DEER

Finally, the plight of the deer is difficult. They need to be eradicated to give other native flora and fauna a chance. Humane eradication would be ideal. To date they have been allowed to breed and spread through most of the state – all for the thrills of shooters. Politicians claim deer hunting benefits the economy but they forget about the loss to the farmers who produce our meat. One deer provides a lot of meat and 173,800 deer were killed for food in 2019, according to the GMA.