

Wildlife Act Review

Issues Paper questions – Response 31:

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Primary interests:

- Protection and conservation of wildlife and habitat
- Protections for marine mammals
- Wildlife welfare

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.

I think the Act does not recognise contemporary scientific evidence on the capacity of wildlife to feel fear and pain, as well as the needs of wildlife to have habitat protected, nor on their other biological needs to be able to breed successfully, feed their young, etc. Recent scientific studies show that animals have sentience, they have the capacity to feel pain and fear, they know their territory and their own community of animals. The 1975 Act does not include this evidence in its purview.

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?

I think the Act is biased in favour of those using or trying to get rid of wildlife and against those trying to protect them. Eg. look at the penalties for shooting an endangered species of duck in duck season compared with entering the wetlands before 10am to rescue ducks. These are not proportionate to the offence. Also, farmers who want to cull wildlife do not have to justify their application or provide evidence.

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

If the needs of wildlife were recognised in the Act, there could be more balance in considering the needs of farmers, community members, and the natural environment, which is intertwined with those of wildlife.

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, I think the Act should recognise the significance of country and wildlife to indigenous people, and listen to their perspectives on managing the land. For example, to include indigenous views on back-burning and bushfire prevention,

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, traditional owners should have a voice on local wildlife management.

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, a general duty of care towards wildlife and biodiversity protection is essential. The penalties for cruelty to wildlife are currently way too low.

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

Game animals should be recognised as "wildlife" even if they are not native species. They need to be included in the protections of the wildlife act.

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

I think flora and fauna should be included in a broad statute, recognising the interdependence of habitat and animals, and be given protections that are appropriate to the 21st century. Before they are all gone!

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

No, I think a separate statute for game animals would add bureaucracy and confuse citizens.

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.

I have observed koala numbers declining with the advent of more and more logging. I believe development for human wellbeing must be limited to some extent to preserve native species and the natural environment. I do not want koalas and other species to become extinct or only existing in zoos so that people can build more houses and take over what natural bush is left. That does not accord with my values.

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

Yes, in line with up to date scientific evidence about the emotional capacity, social interactions, habitat needs and capacity to feel pain that wildlife and wild animals have.

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

No, their rights to use wildlife should be reduced so that cruelty and unnecessary destruction are not allowed. Hence they should have to justify culling of animals that are too numerous.

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?

Yes, I have made this point earlier. All animals have sentience, especially mammals, marsupials, birds and fish. So this needs to be considered when making laws about how they are treated.

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?

Principles in the Act should reflect a recognition that animals have sentience and the need for sustainable habitat.

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

Wildlife management plans are needed, which balance the needs of farmers, traditional owners and wildlife.

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?

Simplification is a good idea. However, I think shooters and hunters should be regulated and do courses to learn about endangered species and hunters' responsibilities to act humanely, and not consume alcohol or break other rules when they hunt.

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

I think recreational duck hunters should pay the full cost for their sport, including the damage to wetlands of the lead shot they leave, the administrative cost of managing the activity, and any other damage they do. The vast majority of Victorians want duck shooting banned. Why is this not being considered in the Wildlife Act review, since ducks are wildlife?

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, I think scientific expert advice should be given more weight in decisions about country and wildlife. It has not been recognised how much we are threatened by extinction of species and loss of the natural environment. The government and bureaucracy have ignored this for too long.

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

The maximum penalties for cruelty and destruction of wildlife are way too low. Eg, the person who poisoned eagles, or duck shooters who kill endangered species. The penalties should be higher so people will take them seriously.

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

Yes, repeat offenders should receive higher penalties.

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

Yes, the act should reflect community sentiment on the abhorrent nature of cruelty offences.

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, infringement notices will show offenders that the law should be taken seriously, just like a traffic offence.

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?

Undertakings by offenders must be enforceable, not a slap on the wrist. The law must have significant penalties, or it will not be respected.

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

Yes, forfeiture of property used in an offence is appropriate.

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?

Stealing and trafficking of wildlife should be highly penalised as it is a cruel, money-driven trade.

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?

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