



Sporting
Shooters
Association
of Australia
(Victoria)

SSAA Victoria

Submission on the Review into the Victorian Wildlife Act 1975

Considerations and Recommendations
June 2021





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Executive Summary

The fundamental objectives of the Wildlife Act remain relevant.

Protection, conservation and sustainable use activities under the Act are not inherently incompatible.

Consideration should be given to removing game species (duck, deer and quail) from the Act and implementing a stand-alone Game Act.

A Game Act should be administered by DJPR (Agriculture/GMA).

Wildlife should be sustainably utilised wherever possible.

Habitat is key to successful wildlife conservation.

The Association acknowledges the recognition of Traditional Owners (TO). However, it is also necessary to recognise others within the community, particularly hunters, who have a close connection with land and wildlife.

Consideration of the economic value of hunting and wildlife to the Victorian economy should be included in the review.

Consideration of the negative impacts and costs of wildlife to the Victorian economy should be included in the review.

Where wildlife needs to be controlled the process should be simple and transparent.

The views of society can be recognised but policy decisions need to be based on facts, not sentiment.

Government needs to better explain the science behind sustainable use, conservation and the necessity for lethal control.

The four species of deer widely recognised as being present in Victoria should remain game species.

Policy and administration are prime drivers of how the Act operates and how effective it is.

The current Act has provision for significant penalties.

A duty of care is not supported.

Third party civil enforcement is unnecessary and inappropriate.





Background

The Sporting Shooters Association of Australia (Victoria), (SSAA Victoria), is a not-for-profit shooting sports body with over 40,000 members. Eighty percent of the Association's members identify themselves as hunters. The Association represents those members' interests on hunting-related matters to government. That representation additionally benefits those Victorian hunters who do not belong to a hunting or shooting organisation. The Association does not represent commercial operators.

The Wildlife Act and the Wildlife (Game) Regulations (hereafter referred to as the Act and the Regulations) are

the key pieces of legislation that govern game hunting in Victoria. The Regulations are currently undergoing a review and the Association has made a submission regarding them.

Hunting takes many forms and is undertaken for many reasons. Game hunting is the primary focus of this submission - as it is game hunting that is predominately affected by the Act. However, many members are also involved in unpaid activities where they act as the agent for a landowner under an Authority to Control Wildlife (ATCW) to mitigate the negative impacts of native species. Pest species (which are not defined as wildlife) are also hunted, both to mitigate their negative impacts and for recreation.



The Association welcomes the opportunity to have input into the expert panel review of the Act. Legislation that has been in effect for nearly 50 years, with significant amendments over that time, should be reviewed to ensure it remains relevant and appropriate. There has been considerable change during that time in Victorian environmental conditions, societal expectations and views, and the status of many wildlife species. The decisions made now regarding a new or revised Act are going to shape the use and interaction with wildlife in Victoria for decades to come. It is vitally important that this once-in-a-generation opportunity delivers the best possible outcomes for all Victorians, while ensuring the sustainability of our wildlife species.

It is important to understand that members of the Association, as Victorians, have wide-ranging views of wildlife. Those views, along with members' individual interaction with wildlife go far beyond hunting. Members have been encouraged to make submissions to reflect their personal positions. This submission may refer to broader concepts in some instances but will focus primarily on the aspects of the Act that affect hunting and pest/problem animal control efforts.

Aspects of the Act that deal with keeping or trading wildlife, along with commercial activities such as whale or seal watching are outside the scope of the Association's representation. Commercial utilisation of wildlife will be addressed in broad terms, as utilisation of wildlife is an area

that potentially does concern hunters.

About the Review and its Scope

The Panel's published Issues Paper clearly demonstrates the complex nature of both the Act and of the review into it. The paper poses valid questions and raises important issues. The Association seeks an outcome whereby those questions can be satisfactorily answered and the competing community attitudes towards wildlife be resolved in a practical, pragmatic, and workable manner. This submission will outline the Association's position on those aspects of the Act it sees as relevant to its membership.

SSAA Victoria is concerned that the genesis for the review into the Act is due to "community outrage" over two incidents. The use of an emotive term as the basis for a review does not engender confidence in the objective nature of any subsequent response. Who is outraged? The entire community or vocal minorities? How is that outrage measured? How does that outrage actually manifest? The Association's strong view is that government policy and legislation should be based on fact, not perception or emotion. However, the Association acknowledges that the independent expert panel did not establish the review or use those words.



No one would consider the outcomes to wildlife from the incidents mentioned to be desirable. However, in the first instance, charges were laid, convictions recorded and penalties imposed, including a custodial sentence. The second case remains under investigation and may well end up before the courts.

It may have been more appropriate to review the legislation after those cases were finalised. Notwithstanding, outcomes have been achieved, if not finalised, under the current Act. Consequently, it demonstrates that the Act is still fit for purpose.

It has also been identified that, among other matters, that *‘how the Department of Environment, Land, Water and Planning (DELWP) and other responsible organisations administer the Act, including their policies, organisational structures and procedures, and the regulations under the Act’* are not within the scope of the review.

The Association contends that how the Act is administered and the regulations under the Act are highly relevant and could be considered key aspects of how the Act delivers its stated objectives and whether it is fit for purpose. Also, a new Act, should it result from this review, will only be as effective as its administration. If limitations are evident with current administration practices, how will a new Act perform more effectively?

Objectives of the Act

The current Act has the following purposes:

- (a) to establish procedures in order to promote -
 - (i) the protection and conservation of wildlife; and
 - (ii) the prevention of taxa of wildlife from becoming extinct; and
 - (iii) the sustainable use of and access to wildlife; and
- (b) to prohibit and regulate the conduct of persons engaged in activities concerning or related to wildlife.

It is the view of the Association that the purposes of the 1975 Act remain relevant. They are supported as being appropriate objectives for a new or revised Act.

Compatibility of Objectives

Is a Game Act Necessary?

While the objectives may remain relevant, the Act as it currently stands is far-reaching and covers an enormously diverse range of species and activities. As stated in the Issues Paper, it originated “to re-enact with amendments the provisions of the Game Act 1958 and sections 9 and 10 of the Protection of Animals Act 1966.” It now covers everything from keeping and trading wildlife to hunting, research activities and the general protection of wildlife. It even legislates requirements for watching whales. The Association understands why the broader community would *potentially* be confused about the purposes and administration of the Act.



The Association also understands the progression from the Game Act to a broader Wildlife Act in 1975. However, there could now be advantages to separating the legislation and returning to discrete Game and Wildlife Acts.

The Association recommends that consideration be given to whether currently designated game species should be removed from the Wildlife Act and administered under an independent Game Act.

The comment in the discussion paper that protection, conservation and sustainable use are in direct conflict, demonstrates the fundamental lack of understanding of wildlife management which broadly exists in society. It reinforces the reason why a Game Act should be considered. These three activities are all compatible under the Act - if managed appropriately. The premise that they are not, arises from a particular ideological position and outlook.

The United States Fisheries and Wildlife Service, though a federal rather than state body, has a fundamentally similar set of objectives which it is responsible for delivering. The U.S. body has had enormous success in protecting species, while also actively encouraging and managing the sustainable utilisation of both fish and wildlife¹. Most states in the USA have state bodies that fulfil a similar role.

If the current objectives of the Act are deemed to be in direct conflict, and the objective of the Wildlife Act should be simply to “protect” all wildlife, then it is clearly necessary to remove hunting, other control activities and any form of utilisation of wildlife from the Act and accommodate these activities elsewhere in legislation.

It is recognised that there is potential to complicate legislation and create confusion amongst stakeholders by introducing separate Acts. The current legislative arrangements provide enough scope to confuse stakeholders already. However, well drafted legislation can prevent unnecessary difficulty and may well ease confusion by clearly delineating between “protection” and “sustainable use”. Additionally, clearly defined guiding principles and definitions would help provide clarity.

The Association sees great potential for a properly structured Game Act to include an expanded role for the Game Management Authority (GMA). Currently, GMA is a regulator that does not have a practical game management role. However, it does provide advice to government on game management issues. There is widespread confusion amongst hunting stakeholders as to the actual role of GMA. Given its title, there is an expectation that the Authority should be a game manager. As a result, there is stakeholder dissatisfaction with the performance of the GMA. While it may be performing its defined legislative function effectively, there is scope to clarify its role and significantly expand it into the area of game management.

SSAA Victoria considers the Victoria Fisheries Authority (VFA) to be a suitable model on which to base a re-imagined GMA. The VFA has a regulatory role along with an educative function, similar to GMA. However, it also has a fisheries management role. The Association wants to see GMA take over responsibility for the management of State Game Reserves and to actively manage them for the benefit of game species and hunting. Improving habitat for game species in those reserves will have flow-on benefits for other species which also utilise those areas.

1 https://www.fws.gov/help/about_us.html



However, the Association's view is that all current objectives of the Act are, in fact, compatible. There does not need to be, nor should there be, an "all-or-nothing" approach to wildlife. Every individual animal or species does not need to be fully protected all the time to ensure species do not become extinct or threatened. Nor is it necessary that every animal or species be utilised all the time.

Each species and circumstance must be assessed on its merits, using scientifically robust techniques. Where complete protection is warranted, the Act should ensure it is facilitated. Where utilisation is appropriate, the Act should again ensure it is facilitated. The current Act, while arguably outdated, does both. Game seasons have always been set to allow for a sustainable take of animals, while protecting the sustainability of the overall population.

The Association recognises the importance of appropriate legislation when it comes to game hunting. It needs to be contemporary, fit for purpose and effective. The Act needs to facilitate hunting, allow for some flexibility with season settings and bag limits, enshrine people's right to hunt and protect hunters from harassment or interference when hunting. If a new or revised Act cannot achieve those requirements, a new Game Act should be implemented. It is SSAA Victoria's strong view that a Game Act should be administered by the Department of Jobs, Precincts and Regions (DJPR) due to its particular expertise in the area.

and do not become extinct. However, numerous countries have unique wildlife that they effectively manage and ensure is safe from extinction yet are utilised in various ways. Examples can be found in the USA, Canada, Britain and in many European and African countries.

Currently, the major threat to wildlife in Victoria is not overutilisation, it is habitat loss. Hunters have recognised that habitat is a key factor in ensuring the sustainability of game species since the 1950s. Long before it was popular to be a conservationist, hunters were pushing for habitat protection through the establishment of State Game Reserves (SGR). The fact that those reserves remain to this day, providing habitat for all species - not just game - is testament to the forward thinking of hunters and the practical measures that they took.

It is an irony not lost on hunters today that the very success of the SGR initiative is now fuelling efforts to prevent hunting in those same areas. "Endangered", "threatened" and "vulnerable" species are not just surviving but flourishing in those areas because the habitat was preserved. Those species' presence is now being used as the rationale to stop hunting because of the supposed threat posed by hunters.

Those opposed to hunting and sustainable use do not appreciate that hunting and conservation are inextricably intertwined and can co-exist with the objective of ensuring sustainable populations of all species. As well as focusing on prescriptive legislation, with penalties for non-compliance, a new or revised Act should encourage landowners to preserve habitat for wildlife. However, there needs to be incentive to do so. The costs associated with maintaining wildlife habitat need to be borne by the entire community, not just the landowner.

Sustainable Use and Habitat

Victoria has unique species of wildlife. The state has a responsibility to ensure those species remain sustainable



People typically want simple solutions to complex issues. In reality, there is no one-size-fits-all solution to wildlife protection and utilisation. Some species or individual animals might need total protection. Others can quite sustainably be utilised. Aldo Leopold, whom many consider to be the father of modern conservation, defined it “as a state of harmony between man and land”. Humans, as all species do, have to consume resources to survive and flourish. Conservation is doing it in a way that can continue indefinitely.

If complete protection of every animal is practised, it becomes an ideological construct - not a necessity to ensure species survival. Total non-utilisation and complete protection of animals is the agenda of extreme animal rights groups. When considering the views of the broader community, it seems unlikely that many would agree with an extreme agenda. The Association reiterates its position that legislation and policy need to be based on fact, not sentiment or extreme ideological positions.

By definition, sustainable use is the utilisation of a resource which can be maintained indefinitely at a given rate or level. There is no doubt that in many cases wildlife resources have been overused. Such overuse is unsustainable, a threat to the resource and therefore needs to be prevented. The problem in the response to overuse is the tendency to view **any and all** use as unsustainable and a threat. The reality is that wildlife is one of the few truly renewable resources available. Managed properly, most wildlife populations can sustain an offtake for use, which is then naturally replaced.

Controlled hunting is one example of proper management. A base population of a species continues in perpetuity so long as only surplus animals are taken for utilisation. However, there is a common view in Australia that all

native wildlife is sacrosanct and should not be utilised. It is because fear mongering and the threat of extinction are used to prevent judicious utilisation. Overseas experience shows that where wildlife has economic worth it is valued, conserved and can continue in harmony with humans. Australia is one of few countries which does not extensively utilise its native animal species.

However, it is also undeniable that some species are at serious risk of extinction. In such circumstances individual animals do become important and protection is necessary. Again though, a closed mindset can be a hindrance. Overseas studies show that even highly endangered species can be carefully utilised for the benefit of the overall species. The successful conservation of Markhor in Pakistan through selective trophy hunting is a case in point.²

Over recent years, the Association has noted changes in the Department of Environment, Land, Water and Planning’s (DELWP) attitudes towards the utilisation and control of wildlife. Departmental staff seem to have become progressively more extreme in their environmental outlook. They appear more inclined to apply hunting restrictions, increase emergency wetland closures and be reluctant to issue Authority To Control Wildlife (ATCW) permits. Game hunting comes under the auspices of both the Environment Minister (DELWP) and the Agriculture Minister (DJPR). From the Association’s perspective, Agriculture seems to have a much better understanding and acceptance of the principles of sustainable use and the utilisation of natural resources than does DELWP. The implementation of the Kangaroo Harvest Program by DJPR is a good example of a successful project that ensures the sustainability of the species while facilitating damage mitigation and utilisation.³

2 <https://scholarworks.umt.edu/cgi/viewcontent.cgi?article=11967&context=etd>
3 <https://djpr.vic.gov.au/game-hunting/kangaroo-harvesting>

Traditional Owner Considerations

Australia in general and Victoria more specifically, is now noted for under-utilising most of its wildlife species. In comparison, indigenous tribes have a recognised history, dating back over 50,000 years, of surviving by harvesting an enormous variety of wildlife. Early settlers also relied for their survival on utilising both native and introduced species. It is only in relatively recent times that non-utilisation has become the predominant approach.

While over-utilisation may have threatened the survival of some species, the 'pendulum' has swung too far. Any utilisation of wildlife is now widely criticised on the basis that it will threaten a species with extinction, whether that proposition is factual or not.

Traditional Owner (TO) connection to hunting and country is neither questioned nor downplayed. However, there should also be recognition of the importance of hunting to those in the community who also hunt but are not TOs. The close connection to nature and the game species they hunt, as well as the important cultural traditions and ability to source unmodified protein is vitally important to the health and welfare of many hunters. Humans have hunted for hundreds of thousands of years and for many hunters, regardless of ethnicity, the hunting instinct and connection to the natural

world remains strong. They have a legitimate claim to that connection being recognised. It should be acknowledged in the preamble to a review of the Act.

The use and management of wildlife needs to be both sustainable and equitable. The sustainable use of wildlife by TO's for traditional purposes is supported. So too is any TO use of wildlife for non-traditional or commercial purposes, so long as the same opportunities are afforded to all other Victorians.





Economic Considerations

Victorians derive significant economic benefits from utilising wildlife. Those benefits come from activities as diverse as whale watching, wildlife tourism, trading wildlife under licence, harvesting kangaroos and game hunting. The Association expects the review to acknowledge and calculate the economic benefit of wildlife to Victoria.

While some might wish to separate economics from wildlife, the reality is that economics have an enormous impact on the use and protection of wildlife. Notwithstanding its intrinsic value, the successful conservation of wildlife relies on significant funding, typically from government, commercial entities and private donations. Conversely, regional Victoria benefits significantly from game hunting activity. Game hunting created 3,138 jobs and contributed \$356 million to the Victorian economy in 2019.⁴ The latter does not include either savings to agriculture from the control of pest species or the wildlife volunteer shooters controlled under ATCWs. Clearly, the economics of wildlife need to be considered in formulating a new Act or revising the current one.

Further, many overseas conservation efforts, particularly in third world countries, are successful because an economic value is placed on wildlife. Where wildlife provides tangible benefits for the local people, it is valued and protected. In some cases, it is through direct funding from wildlife tourism, hunting or by other benefits such as the provision of protein. Where wildlife provides no value and competes with or impacts on people, it is usually displaced or killed.

The examples quoted as the reason for the review of the

Act show what can and does happen, even in Victoria, when wildlife is considered to have no economic value and where it is in conflict with people. The property in East Gippsland is likely to have considered that wedge-tailed eagles were impacting on the economic viability of the business. In the other case, koalas have no economic value to the landowner compared to the timber harvesting which provides a significant commercial return. Regardless of right and wrong or laws and penalties, people will act to protect their economic interests.

A new Act or Game Act needs to facilitate the appropriate use of wildlife to generate positive economic activity, particularly in regional areas.

On the other hand, wildlife can also have significant negative impacts. Disregarding pest species such as foxes, rabbits and feral cats - which are not defined as wildlife - kangaroos, wallabies, wombats, cockatoos, corellas and other native species can and do have significant negative impacts in certain circumstances. Deer, classified as wildlife under the Act, can also have negative impacts in some circumstances. Because of these impacts, there has been a concerted push by the Victorian National Parks Association (VNPA) in recent years to have deer declared as pest species. However, despite their negative impacts, there has been no equivalent push to declare native wildlife as pests.

In any public discussion about mitigating negative impacts, there again seems to be an inclination for an all-or-nothing approach. There is a lack of understand that the same species can have both positive and negative impacts, depending on the circumstances. There is a reluctance by those holding a particular philosophical position to recognise, let alone acknowledge, that native wildlife can and does have significant negative impacts in some circumstances.

⁴ Economic contribution of recreational hunting in Victoria, Final report, Department of Jobs, Precincts and Regions June 2020

Deer as Wildlife

Currently, deer are being vilified as pests, predominately because they are not native to Australia. However, while they do have negative impacts in some instances, they also provide significant benefits in others. Nevertheless, it does not suit the agenda of those pushing to have deer declared a pest, to acknowledge those benefits. Conversely, others are outraged because kangaroos are being culled, though in reality, they are over-abundant and causing economic loss and environmental damage. The views of both these groups are reflective of a widely held but overly simplistic belief that anything native must, by definition, be good and conversely anything introduced must be bad.

Deer are certainly topical, and their specific mention in the review demonstrates the mindset discussed above. However, despite the public vilification, deer will remain a permanent fixture of the Victorian fauna. Further, despite having been present in the Victorian wild since the 1860s, it is only in the last ten or so years that most Victorians have become aware of their existence. They were at low population densities, difficult to find and only dedicated deer hunters really knew anything about them.

One hundred and fifty years of minimal impact demonstrates that at appropriate population densities, deer are largely benign in the Victorian landscape. Research is needed to establish what future densities should be and the management actions needed to achieve them. There are also four different species of deer present in Victoria. They have different habitat requirements, behaviours and impacts. There is no doubt that deer need appropriate management,

but the aspiration of reverting to a pre-European Victoria is not a realistic aspiration.

The reality is that we need to deal with the wildlife resources that we have. Logically, it should mean that we make the most of the positive aspects and minimise the negative impacts of all wildlife. From a practical and pragmatic perspective, all species should be treated the same.

Any Act dealing with wildlife needs to be objective and allow for flexibility of response. While entirely appropriate to recognise the broad views of society, those views need to be balanced with scientific rigour and decision-making processes based on facts and science. Popular opinion is not always well informed. As people become more divorced from the natural world (as is common in many first-world countries) there is a tendency to put wildlife on a pedestal, view it emotionally, very simplistically and fail to understand the complexities of managing wildlife.

Apart from humans, the main threats to wildlife and biodiversity are foxes and cats. They kill billions of birds, mammals, amphibians and reptiles every year.⁵ Yet millions of Victorians continue to keep cats as pets and it appears that the government is reluctant to focus on cats because of the views of metropolitan pet owners. While encouraging the ownership of suitable native species as pets would be preferable, the restrictions on keeping wildlife and the associated licensing requirements are prohibitive.

If a Game Act is not enacted, deer should remain classified as wildlife and retain their current status. There is nothing under that classification which prevents either utilisation or management action. If a Game Act is enacted, deer along with ducks, quail and any other relevant species, could be removed from the Wildlife Act and managed as game.

5 <https://www.anu.edu.au/news/all-news/cats-kill-more-than-15-billion-native-animals-per-year>





Management and Control of Wildlife

It is essential for landowners to be able to manage negative wildlife impacts; and it is essential for government to clearly and unambiguously acknowledge that wildlife needs to be managed. Where non-lethal management is appropriate, it can be used. Where lethal control is the only practical and effective option, it should be used. Where lethal control does not realistically threaten a species with extinction or the viability of discrete local populations, then administrative process to enable that control to occur need to be simple and transparent.

Where lethal control can be demonstrated to have negative consequences for a species or significant discrete population, legislation needs to provide for alternative control measures. Where negative economic impacts occur and lethal control is not appropriate, the impacts need to be borne by society as a whole, not individual landowners. It is the Association's experience to find that peoples' views on wildlife, and the control of wildlife, are directly related to how much impact that wildlife has on them. People who don't experience any negative impacts from wildlife, and have no understanding of the realities of wildlife management, tend to hold stronger views against lethal control measures.

If landowners/managers are not allowed to mitigate

negative impacts caused by wildlife, then there needs to be an adequate compensation scheme to offset those impacts. If, in drafting legislation, the views of those who are not impacted by wildlife are to be given equal weight to those who have to deal with realities of living with wildlife, then it is appropriate that they contribute to the cost of compensation.

There is an ill-informed perception that landowners want to destroy wildlife for the sake of it. That perception is certainly not what SSAA Victoria has found to be the case. The Association has been involved in pest and problem animal control with both private landowners and government departments, for almost twenty years. The vast majority of landowners encourage biodiversity and want wildlife on their properties. They are not motivated to remove wildlife without good reason. However, they do want to be able to manage and mitigate negative impacts.

It takes landowners time, effort and money to undertake control programs. If control activities are not necessary, farmers are not going to engage in them. In reality, most farmers are enthusiastic about encouraging biodiversity and wildlife on their property. They should be encouraged and rewarded for doing so. Wildlife Management Plans (WMP) are provided for under the current Act, however, they are not widely utilised. Were landowners to be given the ability to manage the wildlife on their properties, under a formalised agreement, there could be significant benefits for all parties.



The process for applying for ATCWs is time-consuming for landowners and does not facilitate the mitigation of negative impacts of wildlife in a timely manner. Feedback received by the Association indicates that it is becoming more difficult to obtain ATCWs through DELWP. WMPs could remove the necessity for ATCWs. Properties signing up to them would have greater ability to increase the positive aspects of wildlife on that land while being better able to respond to problems. Economic incentives should also be provided to farmers to maintain wildlife habitat. Rather than seeing wildlife as a potential negative impact on a business, landowners could come to see wildlife as a valuable resource.

The U.S. state of Oregon, amongst others, has a compensation scheme for cattle ranchers adversely affected by wolves.⁶ The scheme recognises that damage caused by wildlife must be paid for by the broader community where the landowner's rights to protect their own economic prosperity is withdrawn. While landowners can still take non-lethal measures to deter wolves, the compensation for losses removes the necessity and motivation for landowners to take lethal action against wolves on their properties. While wild dogs and foxes have major impacts in some areas of Victoria, significantly different conditions exist here, with most negative impacts being herbivore damage to crops, pasture or fences. However, the principle of the state compensating landowners for losses caused by wildlife is valid.

The Association recognises that disparate sectors across society hold disparate views on wildlife. SSAA Victoria supports the broad principle that Victoria's wildlife should be sustainably utilised, which includes hunting suitable species. Sustainable utilisation should not only be a stated objective of any legislation dealing with wildlife and/or game but also encouraged wherever possible.

The animal rights movement is very adroit at manipulating public perception and views. There has been a significant increase in animal welfare considerations as a result. While animal welfare is appropriate to consider, government needs to clearly understand the difference between genuine animal welfare issues and partisan animal rights agendas.

Looking after basic animal welfare is one thing but giving animals rights is something completely different. The Association expects government to adapt to changing societal views over time, but where those views are being shaped by sentimentalist propaganda, misinformation and untruths, government needs to adopt policy and enact legislation based on scientific evidence and practical considerations, and then stick to them.

The sustainable use of and access to wildlife is one key to ensuring that wildlife has economic, as well as intrinsic value. Public education to inform people about the reality of wildlife issues should be the priority. The Association would expect government to better explain the science behind sustainable use and conservation and to debunk many of the sentimentalist constructs of the radical animal rights movement.

Formulating Policy

6 https://dfw.state.or.us/wolves/livestock_info_assistance.asp



While designated as outside the scope of the inquiry, SSAA Victoria considers that the administration of the Act and its associated policies developed to deliver the desired outcomes are prime drivers as to how the Act operates and how effective it is. These matters need to be considered when reviewing whether the Act is still relevant, fit for purpose and effective.

The guiding principles of the Act need to be clear. Confusion certainly can and does exist around the objectives of the current Act. The review is a good opportunity to explain the principles in greater detail. Everyone should be able to understand what the terms mean in the context of the Act and how the differing objectives can complement one another.

As previously mentioned, the Association has identified different underlying attitudes in DJPR and DELWP, to both wildlife itself and the concept of sustainable use. DJPR broadly seems to understand and support sustainable use and economic drivers while DELWP does not.

Offences and Penalties

There are significant penalties available to the courts for offences committed under the Act. It is the Association's view that penalties for wildlife offences need to be proportionate with penalties under other legislation. The

emotive element of dealing with animals, needs to be moderated. It is the role of the courts to act impartially, take emotion out of the case, take mitigating circumstances into account and impose appropriate penalties, as specified under the Act. If courts are not imposing the maximum penalties available, then there is likely to be sound reason.

Hunters strongly believe that they should have better protection under the Act, with greater penalties for interference with their lawful activities. The Association recognises the disparate opinions regarding hunting and acknowledges peoples' rights to hold opposing views. However, holding an opposing view does not give a person the right to interfere with, harass, vilify, or prevent another from going about their lawful activity.

Firearms use and hunting are statistically very safe activities. Activists who deliberately create conflict and interfere with hunters to garner media attention to further their political agenda put not only themselves but also others in danger. The fact that there have not been serious injuries or deaths as a result of their activities, particularly on duck swamps, is solely due to the safe practices and restraint shown by hunters. Freeways are safe to drive on if road rules and speed limits are obeyed. They are not safe for pedestrians to play on. Similarly, hunting in duck swamps is a safe activity if participants and others act sensibly. It is not safe if activists put themselves into firing zones. Penalties for offences of interfering with or harassing hunters should be increased in a new or revised Act.



Again, while all Victorians have opinions about wildlife, it is those who directly interact with and utilise wildlife who are mainly affected by the legislation. It is they who must be able to operate and carry out their activities under the legislation. It is they who are impacted by the costs and administrative burdens associated with complying with that legislation. Those who are materially affected should be considered the major stakeholders and their views carefully considered.

Overall, offences and penalties should not be viewed as the only ways to deliver positive wildlife outcomes. Under the Act, incentives should also be considered to allow for the positive benefits of wildlife to be enjoyed by landowners. Landowners would have more incentive to protect and rehabilitate habitat if they received an economic benefit for doing so. Additionally, they would be more likely to encourage wildlife on their properties if they had the ability to manage any negative impacts in a timely and flexible manner.

Duty of Care and Third-Party Civil Enforcement

SSAA Victoria considers a general duty of care in relation to wildlife to be both unnecessary and problematic if imposed. Good legislation needs to be clear and workable. A duty of care would be extremely complicated to define and then enforce. The issues paper acknowledges the inherent problems. "Recognising or imposing a duty of care affects who bears the costs of achieving desired outcomes. Federal and most state law provides some rights of compensation for removing property rights which may result from imposing new duties. Given this, it may be necessary to help people understand their obligations under a general duty, by phasing in standards of best practice, and/or helping with the costs of fulfilling their obligations.

Importantly, a statutory duty of care is unlikely to be a panacea and would need to be supported by complementary approaches to support shared responsibilities."

While it is understandable to look for a panacea to solve wildlife issues, there is none, nor will a duty of care provide one - as recognised by the Expert Panel. The issues

surrounding wildlife are complex. Therefore, it is important that politically expedient actions are not taken to appease certain viewpoints, especially where such actions would not help in realistically addressing complex issues.

Any proposed wildlife legislation should have clear objectives and be understandable to the public. It should also be enforceable. If it is, third-party civil enforcement becomes inappropriate and unnecessary.

If provision is made for such a measure, the Association sees considerable risk of well-resourced animal rights organisations launching complex, expensive and time-consuming challenges to hunting and other activities involving wildlife. Challenges to any lethal control of wildlife activities could become commonplace, preventing effective and timely management activities being conducted.

Legislation needs to provide certainty, not permit legal action on a seemingly arbitrary basis. If landowners did not have legal remedies available to mitigate the negative impacts of wildlife, the likelihood of illegal activity would increase. The type of incident that led to the establishment of the Expert Panel and this review could well become more common.



Conclusion

The current Act has been in existence for forty-six years and SSAA Victoria welcomes this review.

The Association supports the sustainable utilisation of wildlife as a general principle, and its primary focus is on ensuring that members' rights to hunt are protected.

The key issues the Association wishes to draw to the attention of the Expert Panel are summarised in the Executive Summary.

Disparate views on wildlife exist within the community. Extreme animal rights groups advocate for the total non-utilisation of animals under any circumstances, and equal rights to humans. Such a position is unrealistic.

Unfortunately, many in the community confuse animal rights and animal welfare. They are manipulated by sentimentalist-driven propaganda. The Association's experience is that the less that people deal with wildlife in a natural setting, the more they become extreme and emotional in their attitudes to that wildlife.

Wildlife is a renewable resource and should be managed to ensure it is sustainable. In most cases, effective management can ensure that wildlife is utilised and remains sustainable.

The Association does not see the current objectives of the Act as being incompatible. Protection, conservation and utilisation are not mutually exclusive under the Act. While there is a tendency for an all-or-nothing view regarding wildlife utilisation or protection, there does not need to be, nor should there be, such a view.

If government cannot reconcile the objectives, then a new Game Act needs to be legislated. Such an Act should provide for the management and hunting of current game species. The Act could also potentially deal with other species which commonly require lethal control due to their negative impacts.

SSAA Victoria would expect to see an expanded role for GMA under such an Act and that the Act be administered by DJPR. It would be entirely appropriate under a Game Act for the GMA to actively participate in game management and promote game hunting in Victoria. Under a Game Act, GMA would need to be adequately resourced to carry out its management and promotion functions. It should also be given responsibility for state game reserves and resourced to manage them for the production of game species and increased hunting opportunities.

The Association welcomes the opportunity to provide this submission to the Expert Panel. Representatives of the Association are available to provide any additional information or clarification the panel might require during its review process.



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