



**Office of Conservation Regulator
Statement of Regulatory Intent**

Submission

**WLDLIFE
VCTORIA**

August 2021

Opening Comments

Wildlife Victoria welcomes the opportunity to provide feedback for the Office of Conservation Regulator (OCR) Draft Statement of Regulatory Intent. It is Wildlife Victoria's contention and experience that community sentiment and regard for Victoria's wildlife is extremely high. The OCR plays a critical role in ensuring wildlife are protected and accordingly is meeting the expectations of the community at large.

It is noted that the OCR's ability to protect wildlife in Wildlife Victoria's view is substantially constrained given the deficiencies that exist in the Wildlife Act 1975, currently under review. Wildlife Victoria elaborates on such in its submission to the Independent Review of the Wildlife Act 1975. More broadly and from a principles perspective, Wildlife Victoria would like to see greater transparency and greater protections for wildlife from the OCR. It is also noted that the OCR has significant and broad scope and therefore decision making criteria in determining where the OCR focusses its efforts with such a large remit are critical.

Wildlife Victoria makes the following preliminary comments regarding the Introduction Statement at pages 2 and 3 of the document:

- The opening three paragraphs are noted, however the current Wildlife Act 1975 does not reflect contemporary Victorian community care and regard for wildlife, nor does it appropriately recognise traditional owners. The Wildlife Act review notwithstanding, it is still Wildlife Victoria's expectation that the OCR oversee and manage wildlife in line with current and prevailing community standards in executing its duties, with a bias away from "control and management" and towards "protection".
- An assertion is made in the introduction that "...activities involving wildlife must consider impacts on individual animal welfare....." however Wildlife Victoria questions whether the OCR is sufficiently resourced to consider individual wildlife impacts given that only a few instances of alleged wildlife cruelty, in Wildlife Victoria's experience and observation, are actioned through to conviction and those are cases involving typically multiple animals. Wildlife Victoria would like to see greater care afforded at the individual animal level in recognition that each life is important.
- Wildlife Victoria considers the statement "In urban areas, wildlife can become aggressive and potentially dangerous to people or cause serious road collisions" to be inflammatory and lacking evidence. Wildlife Victoria contends that the impacts humans have on wildlife far outweigh the impact wildlife have on humans!

The regulatory framework for wildlife protection

Is the scope of responsibility presented by the SRI clear? What requires further clarification?

The scope of the OCR is noted. Wildlife Victoria makes the following comments however about the scope; it is:

- Very broad
- Contains inherent conflict of interest
- The decision making criteria in the operating context is not clear

The OCR scope and legislation it spans is very broad with its activities spanning the entire State. Wildlife Victoria questions the efficacy of a regulator with such broad scope in its ability to appropriately monitor and enforce activities across its remit. Wildlife Victoria contends that the OCR would need to operate on a 24/7 basis with extensive resourcing to effectively execute across its scope of responsibility and the resourcing and operating model is unclear in the SRI.

While the OCR has responsibilities across the protection of wildlife, it also is accountable for issuing permits to kill and control wildlife under the Authority To Control Wildlife (ATCW) system. This represents a fundamental conflict of interest for the OCR. Wildlife Victoria would like ideally to see separation of duties across different regulators however what is unclear is how the OCR manages this conflict of interest and what systems and safeguards are in place.

Operationally, it is unclear how the OCR executes its duties and what decision making criteria specifically is in place in deciding on, for example, allocation of resources across the scope of its responsibilities.

The OCR is silent on who are the accountable agencies across secondary and intersecting legislation. For the community seeking appropriate protections for wildlife and support with wildlife matters it is unclear to the public who is accountable for what and therefore who to contact readily for support and assistance and how.

It has been Wildlife Victoria's experience that some wildlife matters span both the Wildlife Act 1975 (OCR having primary accountability) and the Prevention of Cruelty to Animals Act 1986. It would be useful for the SRI to identify who are the accountable agencies across all legislation and some operational examples of whom to contact for what. Wildlife Victoria would also like to see clear communication and operational protocols in a multi agency context that are consistently and transparently communicated to key sector stakeholders.

The Conservation Regulator’s approach to regulating wildlife

Which of the regulatory approaches listed do you see as most critical to achieving wildlife protection? How is the Conservation Regulator currently performing in the six listed regulatory approaches?

All six regulatory approaches listed are important to achieving wildlife protection but only where they are backed by specific and relevant action. Wildlife Victoria believes there is scope for the OCR to improve.

Wildlife Victoria contends that it is relatively straightforward for an ATCW to be issued yet there is limited to no supervision of ATCW activities being executed in the field and disturbingly no supervision at the point of kill. The OCR relies on information provided by an ATCW applicant. And, while enforcing the law is of course important, the fines for breaching the Wildlife Act 1975 are woefully inadequate and the OCR is not operational in a fully resourced 24/7 construct as are other agencies responsible for enforcing the law such as Victoria Police.

Wildlife Victoria also believes there is substantive scope for the OCR to improve in the area of collaboration and community engagement.

Despite being a statewide sector participant operating a 24/7 wildlife emergency response service, Wildlife Victoria provides “one way” information to the OCR on alleged wildlife cruelty reported in to Wildlife Victoria, and Wildlife Victoria would appreciate greater transparency provided to it in exchange for its efforts – moving to a more proactive “two way” model of communication and relationship. An example would be the OCR advising Wildlife Victoria of the outcome of alleged incidents reported to the OCR by Wildlife Victoria, whether matters are under investigation and status of investigations in order for Wildlife Victoria to close its own records and deal with further incoming calls.

It is also the norm for frustrated members of the community to contact Wildlife Victoria seeking assistance with wildlife matters, despite Wildlife Victoria having no legislative accountability, demonstrating significant opportunity for the OCR to better engage into the community and build a strong and trusted relationship with local communities who care about their wildlife.

Priority Harms

Which of these four priority harms concerns you the most? Are there any priority harms to wildlife relevant to the Conservation Regulator that you have observed or are aware of that are not captured?

All of the priority harms listed are important for Wildlife Victoria. The unauthorised destruction of wildlife and illegal destruction of wildlife habitat are of particular interest and concern to Wildlife Victoria.

Wildlife Victoria would like to see wildlife cruelty and wildlife crime as a specific priority harm for the OCR. Wildlife cruelty and wildlife crime are not listed as a priority harm. Wildlife Victoria receives many reports from members of the public reporting wildlife being harmed and maimed, but not necessarily destroyed or killed, albeit that is often the end outcome.

Drivers of non compliance

Are the key drivers of non-compliance and wildlife harm captured? Are there any drivers you believe are missing?

Wildlife Victoria contends that some key drivers of non compliance and wildlife harm that are not captured include:

- Grossly inadequate penalties under the Wildlife Act 1975 for non compliance do not serve as a deterrent
- Insufficient monitoring statewide and 24/7 by the OCR. Wildlife Victoria understands that a lot of illegal killing of wildlife occurs after dark, for example, and outside the business hours of the OCR.
- Insufficient strong engagement into multicultural communities who may not understand Victoria's wildlife laws

Other key activities and intended outcomes

Wildlife Victoria strongly protests reforming wildlife permissions and specifically ATCWs to streamline and make easier the application and approval process. Wildlife Victoria contends that the application and granting of an ATCW in fact be substantially tightened to ensure they are harder to obtain and subject to significantly increased scrutiny by the OCR – both at point of application and at the implementation stage in field. Wildlife Victoria strongly opposes an easy online application process.

What does success look like?

What does success look like? What other goals or success measures within scope would facilitate wildlife protection?

Similarly to other organisations, Wildlife Victoria would like to see the OCR measured and monitored via an engagement score – both a community engagement score and a stakeholder engagement score – that are transparently reported and acted on.

It is also critically important that the OCR is measured on the extent to which it meets broader community expectations versus discrete stakeholder groups.

What information would you want released annually to indicate the performance of the Conservation Regulator and the realisation of the stated success measures?

Wildlife Victoria would also like to see the OCR reporting on complaints

Next Steps

What opportunities for discussion with the Conservation Regulator regarding issues with wildlife protection or environmental regulation would you like to see in the future? Would you like to be updated on this project?

Wildlife Victoria would like to see the OCR providing an annual update on the SRI with proposed updates to ensure the OCR is consistently meeting community and stakeholder expectations.

Wildlife Victoria would like to be updated on this project.