

### The Victorian Government has announced additional support for landholders in times of deteriorating conditions and drought, including a streamlined Drought Relief Authority to Control Wildlife.

The Department of Environment, Land, Water and Planning (DELWP) issues Authorities to Control Wildlife (ATCWs) under section 28A of the *Wildlife Act 1975*. An ATCW allows the control of wildlife that is damaging pasture, crops or other property, or impacting on biodiversity values.

The Drought Relief ATCW is a variation of the standard ATCW, designed to help drought affected landholders by providing them with a streamlined ATCW.

DELWP has additional resources in place to process these applications quickly and issue authorisations within 10 business days (instead of the four to six weeks it takes to process a standard ATCW). This will help drought affected landholders to mitigate damage to their properties caused by wildlife faster.

### Comparing a Drought Relief ATCW and a standard ATCW

The Drought Relief ATCW has additional restrictions regarding eligibility and duration, reduced application requirements, faster processing times, and is focused on addressing short-term damage only.

The key features of the Drought Relief ATCW are:

- It is only available to landholders in a Local Government Area (LGA) that is experiencing drought conditions. As of February 2019, this applies to the East Gippsland and Wellington LGAs only.
- It is limited to one authorisation per property and has a maximum duration of one month.
- Applicants are exempt from demonstrating that they have previously considered or attempted non-lethal control methods (however non-lethal control methods are still encouraged).

- The application processing time is 10 business days.

### Application form

Landholders applying for a Drought Relief ATCW should complete the standard ATCW application form and mark the check box at the start of the application form for a Drought Relief ATCW.

Information on how to complete the application form for a Drought Relief ATCW is provided in the guidance section of the application form. Applicants are required (unless granted exemption from DELWP due to extenuating circumstances) to provide clear, date stamped and geotagged photographic and/or video evidence that confirms the description of the damage and the property location that they have recorded on their application. In addition, they are exempt from completing Section 10 (demonstrating that they have previously considered or attempted non-lethal control methods).

Landholders must provide all the required information on the application form for it to be accepted for processing by DELWP. The 10 business day processing timeframe only applies once DELWP has received a complete application.

### Application process

DELWP will assess the application and issue a Drought Relief ATCW to the landholder if satisfied that it is necessary to manage the wildlife problem.

As part of its assessment, DELWP will conduct a phone interview with the applicant to discuss the details of their application and explain the conditions that would apply to their authorisation.

DELWP may also request to inspect the property to gather additional information in relation to the application to assist with the assessment process. If a landholder does not allow DELWP to inspect their property, the application may be refused.

### Acting under a Drought Relief ATCW

It is important for landholders to understand that while the Drought Relief ATCW is a variation of the standard

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ATCW, it is still subject to the same legislation. The applicant is still required by law to comply with the conditions included in the authorisation.

## Compliance

As with standard ATCWs, DELWP may conduct compliance checks on Drought Relief ATCWs issued to ensure that landholders are complying with the conditions of the authorisation.

## Frequently Asked Questions

**Q. Why do I need to apply for an authorisation from the government to manage wildlife that is on my property?**

**A.** Wildlife in Victoria is protected under the *Wildlife Act 1975* (Wildlife Act). The Wildlife Act and the Wildlife Regulations 2013 (the Regulations) are administered by DELWP.

It is an offence under the Wildlife Act to hunt, take, destroy, control, or disturb wildlife without an authorisation from DELWP.

Landholders are responsible for managing wildlife issues on their property at their own cost and within the law. Whilst it is not the role of government to manage wildlife issues on private property, it is the government's role to administer legislation and regulate people who engage in certain activities related to wildlife, including the control of wildlife causing damage.

This allows the government to manage these activities to ensure they are necessary, do not impact on the sustainability of a species population or result in poor animal welfare outcomes.

For more information on managing wildlife please visit the DELWP website at <https://www.wildlife.vic.gov.au/managing-wildlife/>

**Q. What is an ATCW?**

**A.** Section 28A of the Wildlife Act allows the Secretary of DELWP (or a delegate) to issue an authorisation to allow a person to undertake a number of different activities relating to wildlife.

The Authority to Control Wildlife (ATCW) system has been set up specifically to administer and regulate the following activities:

- take wildlife (e.g. trap)
- destroy wildlife

- disturb wildlife or cause wildlife to be disturbed (e.g. scaring).

If a person wishes to undertake any of these activities, they must apply for an ATCW. All other activities that can be authorised under Section 28A are managed through separate systems.

The Drought Relief ATCW is a variation of the standard ATCW and has been specifically designed to assist drought affected landholders.

**Q. Why is the Drought Relief ATCW only available in the East Gippsland and Wellington Shires?**

**A.** The Drought Relief ATCW is only applicable to landholders that are located in drought affected Local Government Areas (LGAs). Currently, East Gippsland and Wellington are the only drought affected LGAs.

**Q. When will these measures be available in my local area?**

**A.** It is acknowledged that there are other areas of the state, such as Northern and North Western Victoria, that are experiencing dry conditions.

An area is considered to be in drought when it has experienced more than two failed winter/spring crop seasons.

The Drought Relief ATCW will be rolled out to other areas should conditions continue to deteriorate in to drought.

DELWP will update the Drought Relief ATCW information on its website at <https://www.wildlife.vic.gov.au/managing-wildlife/wildlife-management-and-control-authorisations/drought-relief-atcw> if this occurs.

**Q. Where can I download an application form?**

**A.** Landholders who wish to apply for a Drought Relief ATCW can access the application form from <https://www.wildlife.vic.gov.au/managing-wildlife/wildlife-management-and-control-authorisations/drought-relief-atcw>.

**Q. How long will it take for my application to be assessed?**

**A.** The processing of a Drought Relief ATCW is expediated, due to the additional resources DELWP has dedicated to administering these applications. Landholders can expect to have their application processed within 10 business days of DELWP receiving a complete application. Incomplete applications will be

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delayed until all the required information has been provided by the landholder to DELWP. DELWP will notify landholders if their application is incomplete.

## **Q. What information do I need to provide with my application?**

**A.** Applicants are required to complete all sections on the application form that are relevant to the Drought Relief ATCW, by following the information provided in the guidance section of the application form.

The information required includes: personal and contact details; the location of the land where they plan to control wildlife; and details of the wildlife problem and the activities they are proposing to undertake.

Applicants are exempt from completing Section 10 (demonstrating that they have previously considered or attempted non-lethal control methods).

Applicants are required (unless granted exemption from DELWP due to extenuating circumstances, prior to submitting their application) to provide clear, date stamped and geotagged photographic and/or video evidence that confirms the description of the damage and the property location that they have recorded on the application.

## **Q. How do I get an exemption from DELWP for the application evidence requirements?**

**A.** If you are unable to provide the application evidence requirement due to extenuating circumstances, please contact your local DELWP office to discuss your circumstances **prior** to submitting your application form. DELWP will advise you on how to proceed with the application process after considering your circumstances.

## **Q. Will my property be inspected?**

**A.** DELWP may request to inspect your property to gather additional information in relation to your application, to assist them with the assessment process. This will be determined on a case by case basis.

DELWP may contact you to arrange a time to conduct an inspection with you. If you decline to allow DELWP to inspect your property, your application may be refused.

## **Q. How will the government ensure that these streamlined measures will not impact on the sustainability of wildlife populations in these areas?**

**A.** Under the requirements of the Wildlife Act, an ATCW whether it is standard or Drought Relief, will only be issued if DELWP is satisfied that it is necessary to manage the wildlife problem.

The measures being introduced to assist drought affected landholders are intended to prioritise their access to the ATCW system. The issuing of Drought Relief ATCWs will be managed carefully to ensure the control authorised is not impacting on the sustainability of wildlife populations.

The restrictions placed on the access to the Drought Relief ATCW together with the application assessment process and short timeframe of the ATCWs, will ensure that the control does not impact on the sustainability of wildlife populations.

## **Q. Why don't I have to demonstrate that I've trialled non-lethal control methods first?**

**A.** Landholders are exempt from demonstrating that they have previously trialled non-lethal methods to manage the wildlife problem to streamline the application process and enable the expedited processing of applications.

The Drought Relief ATCW will be issued for both non-lethal and lethal control where appropriate (only certain non-lethal methods require an authorisation from DELWP such as actively scaring), to enable landholders to use more than one method of control without the need to reapply for another authorisation.

DELWP encourages landholders to always use non-lethal control methods first, before attempting lethal control. A combination of both methods may be the most effective.

## **Q. Why are there conditions listed on my Drought Relief ATCW?**

**A.** The conditions listed on your authorisation are to protect animal welfare and to mitigate any risks associated with the specific circumstances of your wildlife problem. For example, approved firearms, calibres and projectile weights for shooting certain species of wildlife are specified in the conditions to ensure that the control is effective and humane.

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## **Q. Can I ignore the conditions listed on my Drought Relief ATCW that I cannot comply with?**

**A.** A DELWP Officer will contact you to discuss the details of your application and to explain the conditions that would apply to your Drought Relief ATCW, prior to it being issued to you. Landholders are expected to carefully consider whether they can meet these requirements, before their application is progressed further.

If you cannot comply with **all** the conditions listed on your authorisation, then you must not act under it. If you breach any of the conditions listed on your authorisation you are committing an offence under the Wildlife Act and are liable for prosecution.

Please contact your local DELWP officer if you have any concerns regarding the conditions listed on your Drought Relief ATCW.

## **Q. Is there other legislation that I need to comply with?**

**A.** In conjunction with the Wildlife Act and the Regulations, there is additional relevant legislation that must also be complied with when undertaking wildlife control, depending on the control activity undertaken.

These include:

- *Prevention of Cruelty to Animals Act 1986*
- *Firearms Act 1996*
- *CFA Act 1958* (relating to the use of gas powered wildlife scaring guns during Fire Danger Periods or on Total Fire Ban Days).

All people are required to comply with relevant legislation to which they are subject. This includes prescribed laws, regulations, and by-laws.

## **Q. How long is a Drought Relief ATCW valid for?**

**A.** A Drought Relief ATCW has a duration of one-month, which cannot be extended.

## **Q. What should I do if I am still experiencing damage to my property caused by wildlife after my Drought Relief ATCW expires?**

**A.** The Drought Relief ATCW is intended to provide fast relief to landholders experiencing drought conditions from short-term damage caused by wildlife, in response to the urgency of their situation.

If you are still experiencing damage to your property caused by wildlife after your Drought Relief ATCW has

expired, you may need to try an alternative approach and/or develop a long-term plan to appropriately deal with the problem.

Landholders who wish to control wildlife after their Drought Relief ATCW expires must apply for a standard ATCW.

## **Q. Why can't I reapply for a Drought Relief ATCW?**

**A.** The Drought Relief ATCW is intended to address short-term damage caused by wildlife, therefore, long-term or multiple Drought Relief ATCWs are not consistent with this purpose.

Whilst the drought situation and its impact on landholders is acknowledged as significant, the integrity of the ATCW system must still be maintained and the effects of drought on wildlife considered. The Drought Relief ATCW seeks to balance the needs of drought affected landholders with those of wildlife.

If a long-term approach is required to appropriately manage damage caused by wildlife on your property, you will need to apply for a standard ATCW, which may be issued for anywhere from one month up to a year, depending on the circumstances.

## **Q. If I have multiple properties in a drought affected area can I apply for a Drought Relief ATCW for each property?**

**A.** Yes. The Drought Relief ATCW is restricted to one per property, so if a landholder has multiple properties located in a drought affected area, they can apply for one Drought Relief ATCW per property.

## **Q. Can I control wildlife on neighbouring properties to prevent the problem wildlife from entering my property?**

**A.** No. Wildlife control under any ATCW is only permitted to occur on the property specified on the authorisation. Your authorisation does not allow you to control wildlife outside of this location, therefore, you will be committing an offence under the Wildlife Act if you control wildlife on surrounding properties.

If your neighbours are also experiencing problems with wildlife, you are encouraged to discuss with them and your local DELWP officer how a collaborative approach to wildlife management can be adopted. This is often more effective than when conducted at an individual property level.

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**Q. Can I lethally control wildlife on my property that are suffering due to drought conditions without an authorisation from DELWP?**

**A.** The welfare of wildlife is always an important consideration under any circumstances. Where an animal is obviously suffering (e.g. severely emaciated and malnourished to the point where it cannot move) and it is unlikely to survive in the wild, lethal control is likely to be the most humane course of action.

The manner in which the animal is killed must be humane and comply with the *Prevention of Cruelty to Animals Act 1986*.

Landholders who see wildlife suffering on their property due to drought conditions should contact their local DELWP office for advice. You can also contact a local wildlife shelter or foster carer for assistance via the [Find Help for Injured Wildlife Tool](#) on the DELWP website.

**Q. Where can I get more information on the Drought Relief ATCW?**

**A.** If you require additional information or assistance in relation to the Drought Relief ATCW, please contact your local [DELWP office](#), or the DELWP officer listed on your authorisation if you have a Drought Relief ATCW.

General information on managing wildlife can be found on the DELWP wildlife website at <https://www.wildlife.vic.gov.au/managing-wildlife/>

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