

A close-up photograph of a brown mouse with dark eyes and whiskers, holding and eating a green leaf. The mouse's mouth is open, showing its pink tongue and teeth. The background is blurred, showing more of the green leaf and some small white flowers.

Victorian Government response to the Wildlife Act Review

Contents

Minister's Foreword	1
What we have already achieved	2
Conservation Regulator	2
Support for sick and injured wildlife	2
Sale of wild caught birds as pets banned	2
Help for our iconic flying foxes	2
Together for Wildlife	2
Government response to the Wildlife Act Review	3
Priority reform one - getting the settings right	3
Priority reform two - a smarter and fairer permissions framework	4
Priority reform three - the right tools to combat wildlife crime	5
Priority reform four - Traditional Owner self-determination	6
Supporting on-ground actions	7
Improved wildlife activity compliance	7
A new hotline to report wildlife and forest crime	7
The relaunch of Land for Wildlife in partnership with Trust for Nature	7
Increased funding for the Conservation Covenant application process	7
Increased funding for habitat restoration to support wildlife – revegetation, pest and weed control	7
Recommendations	8

The Victorian Government acknowledges Aboriginal Traditional Owners of Country throughout Victoria and pays respect to their cultures and Elders past and present.

© The State of Victoria Department of Energy, Environment and Climate Action, September 2025

Creative Commons

This work is licensed under a Creative Commons Attribution 4.0 International licence, visit the [Creative Commons website](http://creativecommons.org/licenses/by/4.0/) (<http://creativecommons.org/licenses/by/4.0/>).

You are free to re-use the work under that licence, on the condition that you credit the State of Victoria as author. The licence does not apply to any images, photographs or branding, including the Victorian Coat of Arms, and the Victorian Government and Department logos.

ISBN 978-1-76176-636-7 (pdf/online/MS word)

Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Accessibility

To receive this document in an alternative format, phone the Customer Contact Centre on 136 186, email customer.service@deeca.vic.gov.au, or contact **National Relay Service** (www.accesshub.gov.au/) on 133 677. Available at **DEECA website** (www.deeca.vic.gov.au).

Minister's Foreword



Victoria is home to unique and wonderful wildlife that is valued deeply by Victorians and renowned across the world.

The *Wildlife Act 1975* sets the rules and expectations for how we protect, conserve, and sustainably manage and use wild-life in Victoria. But it needs to be reformed so that it is fit for purpose.

The Government committed to a review of the *Wildlife Act 1975* and appointed an expert panel to lead the review and provide independent advice to government.

I offer my thanks to the Panel for their insightful advice and dedicated work. I also thank the many members of the community who so generously contributed their feedback to the review and helped to shape the Panel's report.

In response to the complexity and significance of the matters raised by the Wildlife Act Review, the Victorian Government's response reflects a strong commitment to ensuring Victorian wildlife and ecosystems are healthy, cared for, and valued for future generations.

The Government has made a record investment of \$800 million to protect Victoria's biodiversity over the last decade to make sure we are supporting valuable ecosystems.

I look forward to delivering a modernised legislative and regulatory framework that provides a strong foundation for addressing current challenges and threats to Victoria's precious wildlife and their habitat.

I do this because the wildlife of Victoria is invaluable and needs our protection. I do it also to honour the daily and difficult work of wildlife carers and rescuers, and I thank them for their work.

Steve Dimopoulos MP
Minister for Environment

What we have already achieved

CONSERVATION REGULATOR

Since it was established in 2019, the Conservation Regulator has made great progress in tackling wildlife crime in Victoria. The Conservation Regulator has successfully lifted regulatory practice and delivered improved compliance outcomes.

As the lead regulator responsible for compliance and enforcement under the Act, the Conservation Regulator has prosecuted offenders for a range of offences against our iconic protected wildlife, including illegal possession and trade, destruction, harassment, and wildlife cruelty. The Conservation Regulator also regularly partners with other Victorian and Australian regulators to conduct major operations aimed at disrupting the illegal trade in wildlife.

The Conservation Regulator's significant investment in education and its partnership with CrimeStoppers ensures Victorians are educated about wildlife laws and crime and know how to report it.

SUPPORT FOR SICK AND INJURED WILDLIFE

Since 2023, the Victorian Government has committed \$9.51 million to fund projects to support sick and injured wildlife and the people that care for them. This included through our annual Wildlife Rehabilitator Grants, expanding Zoos Victoria's Outreach Program, which aims to improve the knowledge and skills of veterinary staff who care for wildlife across the state, funding the Wildlife Victoria Hotline and support for the Wildlife Emergency Support Network.

In 2023, DEECA released the Victorian Wildlife Rehabilitation Guidelines, which are a comprehensive care guide for the species of animal that may come into the care of wildlife shelters. The guidelines also support wildlife rehabilitators to meet the conditions set out in the Wildlife Rehabilitator Authorisation Guide.

SALE OF WILD CAUGHT BIRDS AS PETS BANNED

In 2024, amendments to the Wildlife Regulations were made to prohibit the sale of wild-caught Sulphur Crested Cockatoos, Galahs, and Corellas by holders of Wildlife Controller Licences. This important change reinforces our policy against the removal of wild animals for the captive trade.

HELP FOR OUR ICONIC FLYING FOXES

In September 2021, to help protect wildlife from fruit tree netting, Government introduced new provisions under Victoria's Prevention of Cruelty to Animals Regulations 2019. These rules mean that any netting used to protect household fruit trees, vegetable gardens or other fruiting plants must have a mesh size of no greater than 5mm x 5mm at full stretch. This was in response to the reports from wildlife carers that the use of inappropriate fruit tree netting is the leading cause of flying fox injury and death in Victoria. The fruit netting rules also benefit birds and possums because they are at risk of becoming entangled in non-compliant netting.

TOGETHER FOR WILDLIFE

The Together for Wildlife project supports improved communication across the wildlife welfare sector. The initiative was formed after the 2019-2020 bushfires under the Wildlife Welfare Bushfire Response 2020 Action Plan. Representatives from member organisations meet regularly as the Wildlife Welfare Communications Working Group to develop communications materials and information that each organisation can use for community messaging before, during and after fires, floods, storms, extreme heat events and high winds.

Government response to the Wildlife Act Review

The Victorian Government commits to take the important steps to reform key areas of the Wildlife Act and Wildlife Regulations. The changes will focus on 4 priority reform areas:

- Priority reform one: Getting the settings right
- Priority reform two: A smarter and fairer permissions framework
- Priority reform three: The right tools to combat wildlife crime
- Priority reform four: Traditional Owner self-determination

The priority reforms will focus the efforts of the Victorian Government in implementing the agreed recommendations from the Panel Report, as well as supporting other projects detailed in this response.

As part of Getting the settings right, priority reform one will update the purpose and objectives of the Act to reflect the changes in approach to wildlife management since the Act came into force in 1975.

Priority reforms two and three will strengthen the Conservation Regulator's risk-based approach and lift the standards for the care and keeping of wildlife, making sure the Conservation Regulator has the right tools to combat wildlife crime.

Under priority reform four, the Panel recommendations relating to Traditional Owner rights are supported in principle but will be informed by further engagement with Traditional Owners as Treaty is progressed and the findings of the Yoorrook Justice Commission (YJC) reform report have been considered.

The Victorian Government commits to the development of a Bill to amend the Act, and the preparation of regulations to amend the Wildlife Regulations 2024. In particular, the Victorian Government commits to reforming wildlife licensing to improve wildlife welfare and community safety.

PRIORITY REFORM ONE - GETTING THE SETTINGS RIGHT

The Victorian Government recognises that an improved Act must be underpinned by robust foundations. These foundations can be found in the Act itself, such as in its purposes, but can also be found working alongside the law, such as in education and awareness, data capture and analysis, and the use of expert advice when necessary. These are the settings that we want to update.

The purposes of the Act will be updated to better reflect the changes in the way that wildlife is valued and the community expectations around its management. A revised set of purposes will also promote the self-determination of Traditional Owners and Aboriginal Victorians in relation to wildlife.

Habitat and conservation definitions

The Victorian Government supports the principles of conserving and protecting native wildlife, including the recovery of populations where appropriate, and the restoration of wildlife habitat. This will be reflected in updating the purposes of the Act. The Victorian Government also supports clarifying the meaning of 'habitat' and 'conservation' by inserting definitions in the Act.

Capturing fauna data

The Victorian Government has in place procedures for capturing fauna data within the Victorian Biodiversity Atlas. The Government released its Biodiversity Indicator Framework in 2024. The framework sets out the approach to enable the assessment of the status and trends of fauna in Victoria and to report on the effectiveness of on-ground actions.

PRIORITY REFORM TWO - A SMARTER AND FAIRER PERMISSIONS FRAMEWORK

Contemporary wildlife laws play a critical role in balancing the needs of wildlife with human activity. The Victorian Government will strengthen its risk-based approach to permissions to ensure that those activities that have the potential to cause the most harm are subject to a higher standard of assessment. A risk-based approach also provides an opportunity for the regulator to require appropriate oversight of high-risk activities while reducing the burden for people conducting low risk activities.

The Victorian Government understands the importance of transparency around decision making in public trust and accountability in wildlife management. Government commits to clearly communicating the framework for decision-making for permissions and the standards of care that are enforced, so that stakeholders can engage meaningfully in discussions about wildlife protection.

Fit and proper person test

The Victorian Government supports strengthening the risk-based regulation of activities. A fit and proper person test is a legal requirement used to assess whether someone is suitable for a specific role or to engage in a regulated activity.

The Victorian Government will make sure that individuals who want to own, breed, control, display or care for wildlife must first demonstrate that they are law-abiding and possess the necessary skills and integrity to do so responsibly. The Victorian Government supports expanding the application of the fit and proper person test for anyone seeking to hold a wildlife licence or authorisation.

Codes for standards of care

Likewise, the Victorian Government will lift the standards of care that apply to wildlife in captivity. The Victorian Government supports the introduction of codes for standards of care for wildlife in captivity in all instances and supports the Conservation Regulator having the power to make such codes.

Internal review process

The Victorian Government supports the recommendation to establish an internal review process for decisions regarding licences and permits made under the Act. However, legislative reform is not required to enable this as the Conservation Regulator has already acted to establish an internal review process for permission decisions.

Prohibit the keeping of crocodiles as pets

Crocodiles are powerful, long-lived animals that are very challenging to appropriately care for in Victoria's environment. Crocodiles are not appropriate as pets, and they do not belong in our towns and suburbs. The keeping of crocodiles as pets under a private wildlife licence will no longer be allowed, except for those already held under a current wildlife licence.

Create a new class of licence for the private keeping of dangerous wildlife as pets

Australia is world famous for its dangerous wildlife. Our Wildlife Licensing system needs to better protect the community through ensuring that licences for dangerous animals, such as venomous snakes and large monitor lizards, can only be held by highly skilled people who have appropriate enclosures to ensure the animals are secure and well cared for. A new dangerous wildlife licence category will ensure there are strict safety and welfare controls when dangerous animals are allowed to be kept as pets under a private wildlife licence.

Stop intensive and cruel wildlife breeding

The Victorian Government is proud to have banned puppy farm operations. The current wildlife licensing rules allow unlimited breeding of wildlife under private and commercial licences, and that has to change. Intensive breeding can be cruel. Large-scale breeding in residential areas is not appropriate. Sensible new limits will be established and tailored to the purposes of each licence category.

Restrict the size of wildlife collections

Current Regulations do not limit the number of animals able to be kept, or the scale of wildlife breeding under a licence. This includes private licences where wildlife is being kept as pets or companion animals. This creates welfare risks and the potential for adverse impacts on neighbours from large wildlife collections. Some licensees currently hold hundreds of animals. To address this, licences will restrict numbers in a way that reflects the purpose of each licence category, and the licensee's facilities and capability.

Ensure wildlife with complex welfare and care needs can only be held under advanced licences

Some wildlife species have complex environmental and care requirements that can be complex and expensive to meet. The licensing system will be strengthened so that wildlife with complex care needs can no longer be held under a basic private wildlife licence. Existing licensees will be given appropriate lead time and support to increase their skills and transition to new requirements.

PRIORITY REFORM THREE - THE RIGHT TOOLS TO COMBAT WILDLIFE CRIME

Modern compliance and enforcement powers are essential to fight wildlife crime which poses a significant threat to an increasing number of species in Victoria. Tackling the complexity of wildlife trafficking networks requires the right tools.

The Victorian Government commits to creating enhanced enforcement powers aimed at tracking illegal activities and the dismantling of criminal organisations that exploit wildlife for profit. We will also make it easier for the Conservation Regulator to prosecute wildlife crime by extending the amount of time the regulator has to investigate wildlife crime and file charges for specified offences.

Maximum penalties and new offences

Increasing the maximum penalties and introducing new offences into the Act will deter offenders, reduce crime, and ensure those who do offend receive appropriate penalties. The Victorian Government takes wildlife crime seriously and supports the introduction of new offences in the Act. New offence provisions will also address gaps in the legislation where harms can occur, but the activity may not be illegal.

The Victorian Government also supports retaining offences for trafficking wildlife, destroying wildlife habitat, and feeding wildlife in National and State parks. It is not appropriate for the Victorian Government to create a separate regime for aiding and abetting criminal activity because the general law of complicity contained in the *Crimes Act 1958* applies.

Offences in the Act are structured as strict liability, as they do not require proof of intent, yet they retain the potential for custodial sentences when serious offending occurs. The Victorian Government supports aligning the seriousness of penalties with the mental element required to commit the offence. This means strict liability offences would carry only lower penalties.

Statute of limitations extension

The statute of limitations is the maximum time after an offence is alleged to have been committed that legal proceedings may commence. The time limit for commencing criminal proceedings for offence against the Wildlife Act and the Wildlife Regulations is one or two years depending on the offence. These limits can pose significant challenges for regulators or prosecutors given the complexity often involved in investigating wildlife offences and laying charges.

The Victorian Government supports extending the time for investigating wildlife crime and filing charges for offences against the Act. Further work is required to identify the offences for which it is appropriate to extend the time limits.

Broader administrative, civil and criminal sanctions for wildlife crimes

As identified by the Panel, the sanctions in the Act are largely limited to warnings and administrative sanctions such as suspending or cancelling permissions, or prosecution through the court system where either a fine or term of imprisonment may apply. The Victorian Government supports introducing broader administrative, civil and criminal sanctions for wildlife crimes.

The Victorian Government supports the Conservation Regulator continuing to refine its prioritisation and effectiveness to target monitoring and surveillance efforts, ensuring resourcing supports the ability to tackle the most detrimental criminal conduct.

PRIORITY REFORM FOUR - TRADITIONAL OWNER SELF- DETERMINATION

The Panel's report sets out recommendations that relate specifically to matters of interest to Traditional Owners and Aboriginal Victorians. The Victorian Government notes that these recommendations were formed through extensive consultation by the Panel with Traditional Owner groups across Victoria.

Since the Panel's report was finalised, the Government has made progress on a range of matters related to the rights of Traditional Owners in Victoria, including:

- proposed changes to Natural Resource Agreement conditions as made under the *Traditional Owner Settlement Act 2010* (TOS Act) that have gone some way to providing the access sought by Traditional Owners to wildlife
- changes to the Wildlife Regulations 2024 to include Traditional Owner exemptions from certain offences when acting in accordance with an NRA made under the TOS Act
- proposed amendments to the TOS Act, which upon implementation, will strengthen legal rights
- progress towards Treaty, which is likely to further define a number of rights for Traditional Owners at a state level.

Victoria's Statewide Treaty Bill is focusing on how to evolve the First Peoples' Assembly of Victoria into an ongoing representative body to provide advice to Government and make decisions over matters that affect First Peoples.

Careful consideration will be given to the interaction between Treaty outcomes and the further definition of rights.

The Victorian Government recognises the delivery and tabling of the YJC's third interim report, Yoorook for Transformation and Official Public Record, Yoorook Truth be Told.

The Victorian Government welcomes the report and is now carefully considering the final recommendations and how we can work with Traditional Owners, Aboriginal communities, organisations, and relevant stakeholders to best implement reforms.

For these reasons, the Panel recommendations relating to Traditional Owner rights are supported in principle but will be informed by further engagement with Traditional Owners as Treaty is progressed and the findings of the YJC reform report have been considered.

Supporting on-ground actions

The Victorian Government response will be supported by a suite of on-ground actions.

IMPROVED WILDLIFE ACTIVITY COMPLIANCE

The Victorian Government will create a new online tool that individuals can use to verify the other party in a purchase arrangement has a valid wildlife licence, helping to stem illegal wildlife trafficking and trade.

The Victorian Government will also establish a public record of court outcomes for wildlife and forest crime to ensure transparency of criminal activity.

A NEW HOTLINE TO REPORT WILDLIFE AND FOREST CRIME

The introduction of a 24/7 hotline for reporting wildlife and forest crime will ensure timely assessment and compliance and enforcement action as appropriate. This is supported by a new reporting portal that will be accessible via the Conservation Regulator's website.

THE RELAUNCH OF LAND FOR WILDLIFE IN PARTNERSHIP WITH TRUST FOR NATURE

The Victorian Government is providing Trust for Nature (Victoria) (TFN) with a total of \$800,000 over 4 years to support the delivery of Land for Wildlife (LFW) Program. This investment enables TFN to reinvigorate the LFW program and align it with TFN's direction. TFN has the specific expertise and technical capability relevant to the design and implementation of private land conservation programs.

INCREASED FUNDING FOR THE CONSERVATION COVENANT APPLICATION PROCESS

From 2024, the Victorian Government has exempted from land tax land that is protected by a Trust for Nature conservation covenant which is registered on title.

The Victorian Government has invested an additional \$2 million to support landowners across the state to apply for a conservation covenant with TFN.

INCREASED FUNDING FOR HABITAT RESTORATION TO SUPPORT WILDLIFE – REVEGETATION, PEST AND WEED CONTROL

The Victorian Government has made a record investment of \$800 million to protect Victoria's biodiversity over the last decade to support our valuable ecosystems and wildlife habitat.

The Victorian Government will continue to invest in revegetation and restoration works to grow habitat for wildlife, including the Victorian Government's BushBank Program, which is providing new habitat for many of our most loved native animals.

We will invest onground in managing threats to important habitat for wildlife through programs such as Weeds and Pests on Public Land, Peri-Urban Weed Management Partnership Program, the Deer Control Program, and the Protecting Biodiversity Program.

The Protecting Biodiversity Program and the Nature Fund also invest in targeted actions for threatened species, including projects supporting the Charming spider orchid, Murray hardyhead and the South-eastern red-tailed black cockatoo). Importantly, we continue to provide funding to communities to undertake onground action themselves through programs like the Nature Fund, Landcare and Coastcare.

Recommendations



Recommendation 4.1

Enact a new Act that focuses on halting further decline in Victoria's wildlife populations and maintaining diverse and healthy wildlife populations and their ecological communities.

The Act should support 4 outcomes:

- diverse, healthy and resilient wildlife populations and their ecological communities
- self-determination of Traditional Owners and Aboriginal Victorians about their interactions with wildlife
- better outcomes for wildlife
- public understanding and trust of wildlife management.

GOVERNMENT RESPONSE: SUPPORT IN PRINCIPLE

As part of getting the settings right, the Victorian Government's support for this recommendation will be reflected in the update to the purposes of the Act.

See comments on the response to Recommendation 5.1 below.

Recommendation 5.1

Enact a new Act called the Fauna Act.

The purposes of the new Act are to provide a legal and administrative framework that:

- recognises and promotes the intrinsic importance of fauna and the environment and the value of ecosystem services to human society, individual health and wellbeing
- provides for the conservation, protection and welfare of indigenous animals, including promoting their recovery and restoration
- contributes to protecting, restoring and enhancing ecological communities and processes of which fauna is an intrinsic component
- in accordance with this Act and other laws, accommodates Aboriginal Victorians' rights to self-determination relating to fauna and strengthens the connection between Traditional Owners and Aboriginal Victorians and Country.

GOVERNMENT RESPONSE: SUPPORT IN PRINCIPLE

The Victorian Government supports strengthening the legislative and regulatory arrangements relating to wildlife. This will be delivered through the reforms outlined in this response.

The purposes of the Wildlife Act will be updated to better reflect the changes in the way that wildlife is valued and community expectations around its management. The Victorian Government supports the principles of conserving and protecting native wildlife (including the recovery of populations where appropriate) and the restoration of wildlife habitat.

The updated purposes will promote the self-determination of Traditional Owners and Aboriginal Victorians in relation to wildlife.

Recommendation 5.2

Include principles that provide guidance for decision makers:

- fauna has an inherent right to exist without undue or arbitrary interference
- fauna can experience positive and negative sensations and therefore warrants humane treatment
- fauna must be managed within the context of its ecosystems
- decision making should be based on the best available scientific knowledge and Traditional ecological Knowledge
- decision makers should apply the precautionary principle to avoid harms
- First Nations peoples and Traditional Owners must be engaged in implementing the Act
- managing fauna requires good animal welfare and must ensure ecological sustainability and integrity
- information and reporting on decisions made under the Act should be publicly accessible
- economic or social impacts of fauna should be managed in compliance with these principles.

GOVERNMENT RESPONSE: SUPPORT IN PRINCIPLE

The Victorian Government's support for this recommendation will be reflected in the update to the purposes of the Act.

See comments on the response to Recommendation 5.1 above.

Recommendation 5.3

Define 'fauna' to mean 'any animal-life indigenous to Australia, whether vertebrate or invertebrate and in any stage of biological development but not including humans.'

GOVERNMENT RESPONSE: NOT SUPPORTED

The Victorian Government acknowledges the important role that invertebrates play in supporting ecosystems. However, it is not clear what the benefit would be of including all invertebrates under the proposed definition of wildlife.

Government considers that constructing a regulatory system that needs to provide for a complex set of exclusions would add a level of complexity that cannot be justified. For those species of invertebrates that are threatened, or have a very limited range, the Act already contains a mechanism for any taxon of invertebrate (or an any other taxon of animal) to be declared as wildlife for the purposes of the Act.

The inclusion of fish and aquatic invertebrates in the definition is not supported. The *Fisheries Act 1995* provides sufficient protections for fish and aquatic invertebrates that are likely to be at risk of take from the wild or other activities.

Recommendation 5.4

The Victorian Government should pursue a declaration to list all deer as a pest animal under the *Catchment and Land Protection Act 1994* (CaLP Act).

GOVERNMENT RESPONSE: **NOT SUPPORTED**

All deer species are prohibited pest animals under the CaLP Act - other than 8 species. These 8 species are classified as wildlife. Also, 6 of these 8 species are classified as game.

The current arrangements are not a barrier to effective deer control.

Recommendation 5.5

No longer prescribe duck season to occur automatically.

Duck hunting can occur each year only if the responsible Minister is satisfied duck populations are stable or improving and hunting will not jeopardise their conservation.

The Minister responsible for deciding on duck season arrangements must publish a statement of reasons for their decision each year.

GOVERNMENT RESPONSE: **NOT SUPPORTED**

The recommendation is not consistent with the Government response to the recommendations made by the Parliamentary Inquiry into Victoria's recreational native bird hunting arrangements.

The current arrangements are considered appropriate.

Recommendation 5.6

Include consistent definitions relating to the representation of Traditional Owners and Aboriginal Victorians.

Note that Recommendation 5.6 and Recommendations 6.1, 6.2, 6.3, 6.4, 6.5 and 6.6 were formed through extensive consultation by the Panel with Traditional Owner groups across Victoria.

GOVERNMENT RESPONSE: **SUPPORT IN PRINCIPLE**

As part of the Victorian Government's approach to Traditional Owner self-determination with respect to wildlife, the 7 recommendations relating to Traditional Owner rights (5.6, and 6.1 to 6.6) are supported in principle, but will be deferred until further engagement with Traditional Owners occurs, as Treaty is progressed and the findings of the YJC reform report have been considered.

Recommendation 5.7

Define the terms habitat, conservation, biodiversity and community in a new Act.

GOVERNMENT RESPONSE: **SUPPORTED**

The meaning of 'habitat' and 'conservation' will be clarified by inserting definitions in the Act.

Recommendation 5.8

Remove the terms for and mechanisms to protect and unprotect taxa or species, including unprotection orders.

GOVERNMENT RESPONSE: **NOT SUPPORTED**

Orders that unprotect wildlife are valid management tools when used under the right conditions. The current arrangements are considered appropriate.

Recommendation 6.1

Include a preamble to the new Act that acknowledges the strong spiritual connection of Traditional Owners and Aboriginal Victorians to Country, including fauna.

GOVERNMENT RESPONSE: **SUPPORT IN PRINCIPLE**

See comments under Recommendation 5.6.

Recommendation 6.2

Provide for collaborative governance arrangements between Traditional Owners and Aboriginal Victorians, government and community in the new Act, including processes that allow Traditional Owners and Aboriginal Victorians to participate in decisions about protecting, using and managing fauna.

GOVERNMENT RESPONSE: **SUPPORT IN PRINCIPLE**

See comments under Recommendation 5.6.

Recommendation 6.3

Provide for the listing of culturally significant species, the development of management plans, and the making of guidelines that set out how to consider any effects on these species.

GOVERNMENT RESPONSE: **SUPPORT IN PRINCIPLE**

See comments under Recommendation 5.6.

Recommendation 6.4

In a new Act:

- create a right for Traditional Owners and Aboriginal Victorians to access any Crown land to collect and use for cultural or other purposes the bodies of deceased fauna
- create a right for Traditional Owners who have entered into a Traditional Owner Settlement Agreement, or who have native title, to take wildlife resources for any purpose on specified lands
- where a Traditional Owner Settlement Agreement does not exist, develop a process for a specified Aboriginal body to negotiate an agreement with the land manager that allows for the take of fauna for any purpose on Crown land
- allocate a specific proportion of a commercial harvest quota to Traditional Owners when commercial rights to harvest fauna on any land tenure are granted.

GOVERNMENT RESPONSE: **SUPPORT IN PRINCIPLE**

See comments under Recommendation 5.6.

Recommendation 6.5

Create a permitting system administered by Traditional Owners that allows for Aboriginal persons to undertake certain activities as agreed, for example, to permit Aboriginal Persons to take fauna on specified land.

GOVERNMENT RESPONSE: **SUPPORT IN PRINCIPLE**

See comments under Recommendation 5.6.

Recommendation 6.6

Include a 'savings provision' that ensures no current rights of Aboriginal Victorians are inhibited by a new Act, to remove any doubt about the effect of the revised provisions relating to the rights of Traditional Owners and Aboriginal Victorians.

GOVERNMENT RESPONSE: **SUPPORT IN PRINCIPLE**

See comments under Recommendation 5.6.

Recommendation 7.1

Establish a general duty that requires Ministers and public authorities to give proper consideration to the purposes of the new Act when performing functions that may reasonably be expected to affect fauna and provide for the Minister to make guidelines around how a general duty can be discharged by the duty holder.

GOVERNMENT RESPONSE: **SUPPORTED**

The Victorian Government supports retaining the requirement for Ministers, Government departments, and other public authorities to consider biodiversity.

The *Flora and Fauna Guarantee Act 1988* (the FFG Act) already contains a duty (in section 4B) for Ministers, Government departments and other public authorities to consider the objectives of the FFG Act – which encompass wildlife conservation – in performing their functions.

Recommendation 7.2

Establish an expert advisory committee that will advise the Minister for Environment, the Department of Energy, Environment and Climate Action and the Office of the Conservation Regulator on fauna conservation and management matters.

GOVERNMENT RESPONSE: **SUPPORT IN PRINCIPLE**

Expert advice is routinely sought on wildlife conservation and management matters from sources outside of government. The Government already receives advice from non-government experts.

Recommendation 7.3

Include provisions to require the production and release of a Victorian fauna strategy and fauna plans.

GOVERNMENT RESPONSE: **NOT SUPPORTED**

Government is already required to produce a Biodiversity Strategy under the FFG Act. The current strategy is Protecting Victoria's Environment – Biodiversity 2037 (DELWP, 2017).

This strategy takes an ecosystem approach to the conservation of species and habitats and seeks to deliver outcomes for all native species. The purposes of an additional fauna strategy are not sufficiently clear to justify the potential duplication with Biodiversity 2037.

Recommendation 7.4

The Victorian Government should establish fit-for-purpose fauna data collection procedures. Data should track the long-term status and trends of fauna in Victoria, and the effectiveness of fauna management activities through on-ground outcomes. Data collection must be long term, accurate, consistent, and sufficiently regular to support these objectives.

GOVERNMENT RESPONSE: **SUPPORTED**

The Victorian Government has in place procedures for capturing fauna data within the Victorian Biodiversity Atlas.

The Government released its Biodiversity Indicator Framework in 2024. This framework sets out the approach to enable the assessment of the status and trends of fauna in Victoria and to report on the effectiveness of on-ground actions.

Recommendation 7.5

Provide for the Minister for the Department of Energy, Environment and Climate Action or the Office of the Conservation Regulator to make codes of practice or standards relating to fauna.

GOVERNMENT RESPONSE: **SUPPORTED**

The Victorian Government will lift the standards of care that apply to wildlife in captivity

The Government supports the introduction of codes for standards of care for wildlife in captivity in all instances and supports the Conservation Regulator having the power to make such codes.

Recommendation 7.6

Allow for fees to recover costs associated with the administration of a new Act.

GOVERNMENT RESPONSE: **SUPPORT IN PRINCIPLE**

The Victorian Government supports regulators operating under a cost-recovery model, where appropriate.

The Government response does not commit to any increases to application fees for licences issued under the Act, nor does it include the prescription of any new fees for authorisations.

Recommendation 7.7

Create a statutory role called the Chief Conservation Regulator and confirm and clarify roles, responsibilities and authority including regulatory oversight of the portfolio department (the Department of Energy, Environment, and Climate Action).

GOVERNMENT RESPONSE: **NOT SUPPORTED**

This recommendation (and Recommendation 11.2) is not supported because the Conservation Regulator is functioning well as currently established (as a Division of DEECA). There is not a clear return on investment to change these arrangements.

Recommendation 8.1

Introduce a risk-based approach to permissions that allows for differences in risk levels, consequences, fauna uses, and animal welfare needs. It should also provide the regulator with sufficient powers of approval, refusal, and removal in accordance with the risk framework.

GOVERNMENT RESPONSE: **SUPPORTED**

The Victorian Government will strengthen its risk-based approach to permissions to ensure that those activities that have the potential to cause the most harm are subject to a higher standard of assessment.

A risk-based approach also provides an opportunity for the regulator to require appropriate oversight of high-risk activities, while reducing the burden for people conducting low risk activities.

Recommendation 8.2

Codify a risk-based approach to decisions about permissions that has regard to any fauna plans in place at the time.

GOVERNMENT RESPONSE: **NOT SUPPORTED**

The Victorian Government does not intend to require the development of fauna plans because it is unclear how proposed fauna plans differ from existing management tools available under the Act.

The current arrangements are considered appropriate.

Recommendation 8.3

Introduce a broader range of permission types and conditions that reflect the regulatory effort applied to low- and high-risk activities.

GOVERNMENT RESPONSE: **SUPPORTED**

The Victorian Government supports the risk-based regulation of activities that harm wildlife.

See comments under Government Response to Recommendation 8.1.

Recommendation 8.4

Allow the regulator to prescribe eligibility criteria for a fit and proper person test and put the onus on applicants to demonstrate they comply with criteria.

GOVERNMENT RESPONSE: **SUPPORTED**

The Victorian Government supports expanding the application of the fit and proper person test for anyone seeking to hold a wildlife licence.

The Government also supports introducing a fit and proper person test for anyone seeking to hold an authorisation, including an Authority to Control Wildlife.

Recommendation 8.5

Allow the regulator to develop and publish mandatory criteria and guidelines that it will apply in making decisions about permissions.

GOVERNMENT RESPONSE: **SUPPORTED**

The Victorian Government acknowledges the importance of transparency around how decisions are made under the Act. The Government supports the Conservation Regulator having the power to develop and publish guidelines for decision-making for permissions.

Recommendation 8.6

Provide for an internal review process of permission decisions by the regulator.

GOVERNMENT RESPONSE: **SUPPORTED**

The Government supports the recommendation to establish an internal review process for permission decisions made under the Act. The Conservation Regulator has already established an internal review process. Legislative reform is not required.

Recommendation 9.1

Include new offence provisions relating to attempted fauna offences, aiding and abetting fauna offences, destruction of habitat, feeding animals in the wild, fauna trafficking.

GOVERNMENT RESPONSE: **SUPPORTED**

As part of modernising compliance and enforcement powers, the Victorian Government supports creating new offence provisions.

The Act currently includes one offence for attempting to undertake an illegal act. The Government supports increasing the number of offences where harm is intended, but no harm to wildlife has occurred on that particular occasion.

In addition to retaining these offences, the Government confirms support for retaining offences for trafficking wildlife and destroying wildlife habitat

It is not appropriate for the Government to create a separate regime to address aiding and abetting criminal activity because the general law of complicity contained in the *Crimes Act 1958* applies.

Recommendation 9.2

The Victorian Government should explore the application of strict liability to appropriate offences in a new Act.

GOVERNMENT RESPONSE: **SUPPORTED**

The Victorian Government supports exploring the application of strict liability for some offences where appropriate.



Shingleback - Credit: Doug Gimesy

Recommendation 9.3

Extend the statute of limitations to lay charges for offences to 3 years.

GOVERNMENT RESPONSE: **SUPPORTED**

As part of modernising compliance and enforcement powers, the Victorian Government supports extending the time for investigating wildlife crime and filing charges for specified offences against the Act.

The time limit for commencing criminal proceedings for offences against the Wildlife Act and the Wildlife Regulations is one or two years, depending on the offence. These limits can pose significant challenges for regulators or prosecutors given the complexity often involved in investigating wildlife offences and laying charges.

Further work is required to identify the offences for which it is appropriate to extend the time limits.

Recommendation 9.4

Include a broader, more graduated schedule of administrative, civil and criminal sanctions that:

- includes notices and orders that can be tailored to the circumstances of the offending
- specifies maximum penalties that are consistent with other jurisdictions, differentiated to reflect the status of fauna and the type of offender, and commensurate with culpability of the offender and the harm
- considers other remedies such as restorative and reparative justice.

GOVERNMENT RESPONSE: **SUPPORTED**

The Victorian Government supports introducing broader administrative, civil and criminal sanctions for wildlife crimes.

Recommendation 9.5

Expand legal standing to third parties to seek merits reviews for certain strategic decisions, such as approving a fauna plan.

GOVERNMENT RESPONSE: **NOT SUPPORTED**

Allowing merits review for strategic decisions would tie up valuable resources when the merits of decisions are challenged by third parties. Also, the decision-maker in a merits review would be a member of the Victorian Civil and Administrative Tribunal (VCAT) rather than a Minister or the Secretary to DEECA. Ministers and Secretaries are more accountable to the wider community than VCAT members.

Recommendation 9.6

Ensure authorised officers have the appropriate powers to undertake their compliance and enforcement duties and the new Act provides for appropriate delegations.

GOVERNMENT RESPONSE: **SUPPORTED**

The Victorian Government commits to ensuring authorised officers have contemporary and appropriate powers to undertake their duties.

Recommendation 9.7

Develop an indicative sentencing guide or matrix for the regulator and the courts for fauna offences.

GOVERNMENT RESPONSE: **NOT SUPPORTED**

This recommendation is outside the scope of wildlife legislation.

Victoria has a Sentencing Advisory Council, an independent statutory agency established by the *Sentencing Act 1991*. One of the Council's functions is to advise the Attorney-General on sentencing matters. It is not appropriate for the Minister administering the Act or for DEECA to develop an indicative sentencing guide or matrix in relation to offences against the Act.

Recommendation 10.1

The Victorian Government should implement a long-term strategy to measure community attitudes and behaviour towards fauna specifically, and Victorian biodiversity more generally develop a sustained dedicated communication and awareness campaign to promote Victorian biodiversity and fauna to Victorians.

GOVERNMENT RESPONSE: **SUPPORTED**

The Victorian Government supports measuring community attitudes and behaviours towards wildlife specifically and biodiversity more generally. The Government also supports communication and awareness campaigns to promote Victorian biodiversity.

Recommendation 10.2

The Victorian Government should review and implement approaches to target monitoring and surveillance efforts where gains from effort are likely to be largest. This review should consider ways to undertake and resource surveillance efforts.

GOVERNMENT RESPONSE: **SUPPORTED**

The Victorian Government recognises that effective monitoring and surveillance is key to effective regulatory oversight.

The Government supports the Conservation Regulator continuing to refine its prioritisation and effectiveness in these matters.

Recommendation 10.3

Allow a new Act to harness incentives, education and technology to improve fauna outcomes on private land.

GOVERNMENT RESPONSE: **SUPPORTED**

The Victorian Government supports using incentives, education and technology to protect biodiversity on private land.

Recommendation 11.1

The Victorian Government should consider the merits of combining the *Wildlife Act 1975* or a new Fauna Act with the *Flora and Fauna Guarantee Act 1988*.

GOVERNMENT RESPONSE: **SUPPORT IN PRINCIPLE**

The Victorian Government supports strengthening the legislative and regulatory arrangements relating to wildlife. This will be delivered through the reforms outlined in this response.

Recommendation 11.2

The Victorian Government should consider the merits of establishing an independent and structurally separate regulator, responsible for the Fauna Act, or a new Biodiversity Act and related conservation regulatory functions as relevant.

GOVERNMENT RESPONSE: **NOT SUPPORTED**

This recommendation (and recommendation 7.7) is not supported because the Conservation Regulator is functioning well under its current arrangement as a Division of DEECA. There is not a clear return on investment to change this arrangement.



