



**Victorian
Farmers
Federation**

SUBMISSION

Wildlife Act

30 June 2021

EXECUTIVE SUMMARY

Thank you for the opportunity to submit in relation to the Wildlife Act Review (the Act). The VFF will focus on the main interaction of private landholders with the Act the Authority to Control Wildlife (ATCW) system. To date the different role and function of classes of land have delivered to perverse outcomes for farming.

The VFF considers the issues paper could exacerbate these issues rather than resolving them. For instance, the *Catchment and Land Protection Act* and the *Flora and Fauna Guarantee Act* require compensation for impacts on private land. The *Native Vegetation Regulations* are a provision of the planning scheme and the *Planning and Environment Act* is a land use and development statute.

This submission references the role and function of these regulations as a model for how the Act can better reflect land tenure and deliver outcomes that consider social, economic and environmental outcomes.

The VFF suggests changes to the *Wildlife Act* that will improve consideration of sections 20 and 24 of the Victorian Charter of Human Rightsⁱ.

This submission discusses regulator positions in relation to the ATCW system and makes the following recommendations:

1. **A two tiered ACTW permit system. Decision making under the Act should consider:**
 - The difference between land for ecosystem services and farmland.
 - Protection of wildlife on private land for community benefit is not achieved at private cost;
 - Crown responsibilities for avoiding overabundance of native species;
 - achieving desired outcomes with defined responsibility for funding and management
2. **An across landscape partnership approach between state government and landholders.** s18 of the *Wildlife Act* requires the preparation of Landscape Plans for Wildlife and Nature Reserves.ⁱⁱ This provision should apply to all Crown land and comply with principles utilised in Western Australia (WA) and the Australian Capital Territory (ACT).
3. **Full funding of management programs to ensure ability to deliver management of weeds, pests and overly abundant wildlife.**
4. **Mandating landscape plans for all crown reserves including documentation of overabundant wildlife and management options to reduce to ecosystem impacts and minimise off site impacts.**
5. **Budget allocations for implementing landscape plans including fencing, management of abundance, stewardship payments and support for landholders with wildlife corridors.**
6. **Development of guidelines for ATCW decisions and / or use of s7A regarding:**
 - Clearly defining the objectives of regulation
 - The appropriateness of a carrying capacity for wildlife on private land
 - Appropriate types of active management to ensure natural breeding
 - Consideration of welfare aspects caused by over abundance
7. **Efficient management of abundant species through strategic use of S7A considering understanding of breeding cycles, economic impact and what is reasonable.**
8. **Education and joint programs making compliance and outcomes easily understood with the aim of enforcement being a last resort approach.**
9. **A collaborative approach rather than reliance on mandatory codes.**
10. **Development of an all landholder landscape plan delivering fair and practical outcomes informed by an expert.**
11. **A transparent process acknowledging shared management responsibility and costs.** VFF requests the Panel recommends refining the 'management planning' requirements of the Act to preparing

Landscape Plans in conjunction with landholders to identify natural balance and to support the protection of habitat areas and production on private land.

12. Including economic considerations throughout the Act to ensure appropriate cost sharing.

OUR POSITION

Why a partnership approach is required

The *Wildlife Act 1975* (the Act) is not modern in the sense that it has objectives and seeks outcomes which consider risk and achieve triple bottom line. In modernising the Act, it will be important to be transparent in regards to social, economic and environmental outcomes while minimising impacts on beneficial use of private land.

After 45 years of Landcare the message is being lost that a true partnership between public and private focused on big picture achieves more positive outcomes than a fragmented regulatory approach that prohibits rather than enables.

Farmers are seeing a trend of decreased commitment to joint management of issues across tenure and to the principle of community benefit at community cost. When concurrent with regulatory system tightening these trends can exacerbate issues and lead to cessation of proactive outcomes / private investment.

The plethora of controls seeking contradictory outcomes can be confusing and frustrating for farmers who live and work in the landscape and have an innate understanding of its operation as a complex ecosystem. The Productivity Commission Report into the Regulation of Australian Agricultureⁱⁱⁱ can provide more information on the challenges and the opportunities.

VFF believes although the Act is not specific in its objectives, its structure and content suggests that the authors meant to limit the impact of the Act on private land, especially in regards to economic impacts of abundance and the role of 'landscape plans'. Failure to use s7A in recent years, or look at true landscape plans is leading to perverse outcomes that do not help protect species at risk. The Productivity Commission also highlighted the problems of placing burdens on farmers that do not relate to risk, questionable regulator objectives / risk perceptions and poor communication by regulators.^{iv}

Failure to use s7A and not issuing permits to cull kangaroos within 400m of vegetation demonstrates poor administration of the Act that can lead to landholder not wanting to undertake revegetation. Revegetation creates corridors for wildlife movement that can also attract predators. Wildlife using these corridors then forage on crops, predate livestock and congregate around dams. Fencing is difficult and expensive. The current administration of the *Wildlife Act* is having significant financial impact on landholders limiting their ability to undertake other on farm environmental actions for biodiversity and productivity.

Case Study example

One member in Western Victoria estimates a mob of 2000 kangaroos on his property. This, at an agistment rate, would be \$5 a kangaroo per week –\$40,000 per month. Is that a fair burden for an overly abundant species? Under the *Flora and Fauna Guarantee Act* compensation is payable on private land. Should a percentage of the compensation go to supporting Landcare activities?

The Act must ensure sensible outcomes on private land. Ecosystem services provided by farmers should be considered through landscape plans and streamlined tools to manage overabundance.

Landcare was successful because it gave agency to landholders and sought a whole of landscape outcome. History has shown that regulation often prevents proactive management. It cannot mandate good practice or beneficial actions. Increasing regulatory burden cannot lead to improvements and may actually make the situation worse by making revegetation and protection of habitats a risk to production.

Landscape Models

The VFF has previously called for a whole of landscape approach to other environmental controls, including the *Native Vegetation Regulations* (NVR). This would help deliver social, economic and environmental benefits through integrated management and shared vision.

VFF does not believe NVR is an appropriate tool as this control is under land use and development legislation.

The *Catchment and Land Protection Act* (CALP) is a model for undertaking a management based / outcome-focused approach that considers benefits derived and at whose cost.^v The Special Area Plan requires consideration of who benefits and who bears the cost. Compensation can be required where there is significant private cost for public benefit. This model would support a simple ATCW process on private land that builds in current s7A considerations and a Special Area Plan for critically endangered species, including compensation for impacts on land use rights.

With minor changes, the current Act could deliver this approach through use of:

- s7A^{vi} for abundant species where wildlife is causing *injury or damage to any building, vineyard, orchard, garden or other property; or any crop, grass, trees or other vegetation.*^{vii}
- Landscape Plan provisions that cross tenures to achieve ACT Nature Conservation Strategy Approach.

The excerpt below shows the key steps in that ‘landscape’ approach.

Table 1: Nature conservation strategy approach

Vision: “Biodiversity rich, resilient landscapes stretching from the inner city to the mountains, where well-functioning ecosystems can meet the needs of people and the environment”	
Outcome 1: Native vegetation and biodiversity is maintained and improved.	
Outcome 2: Landscapes are more resilient, including to climate change.	
Outcome 3: Community health and wellbeing is increased through use and appreciation of natural areas and ‘green assets’ in urban areas.	
<i>Note: progress of outcomes will be measured against targets – see Table 2</i>	
Strategy 1: Enhance habitat connectivity and ecosystem function	
Actions	<ol style="list-style-type: none"> 1. Develop baseline information on landscape function. 2. Undertake fine scale planning for habitat connectivity. 3. Enhance regional connectivity. 4. Assess conservation investment opportunities across public and privately managed lands in the ACT. 5. Fund priority landscape actions.

Source ACT Nature Conservation Strategy

This approach would improve knowledge and provide context for decision. It is a model that considers risk and return on investments (value for investment) more in line with *Biodiversity 2037*. It allows clear assessment of the costs, the benefits and compensation issues. This is also the model for the *Flora and Fauna Guarantee* (FFG) Act in relation to private land outcomes.

If the Act is operating property, the landholder should not have any impact on production from abundant species. The Act should focus on rewarding the provision of habitat for endangered species on private land. Currently it often discourages revegetation that creates habitat links.

By focusing on a single species, especially an over abundant one, without an understanding of the wider ecosystem or the wider role and function of that land the Act delivers unfair and perverse outcomes. The Australian Capital Territory legislation seeks to address this issue by understanding the role of public land management in controlling total grazing pressure on crown land.^{viii}

A landscape approach be a true partnership that empowers landholders and understands their business. A landscape plan should address all issues that will affect its success, including stewardship payments, consultation, fencing and other grants, rate relief and land tax relief.

For example a program in the Murray Sunset National Park addressed issues of kangaroos breeding in the Park and feeding in adjacent farmland. A more natural environment was achieved by limiting access to farmland by a fencing program. Farmers paid for the cost of a normal farm fence and the crown paid the difference for a more kangaroo proof fence.

Recommendation

That the Independent Panel recommends a landscape based system for ATCW systems where:

- the difference between land for ecosystem services and farm land is recognised and protection of wildlife on private land for community benefit is not achieved at private cost;
- the Crown is responsible for avoiding overabundance of native species;
- the focus is the outcome to be achieved with responsibilities for funding and management

Role of the Crown

The Panel should provide guidance on how the Act can answer the following questions.

- Should it be up to a local program to deliver balanced outcome?
- Is it fair for the Crown to cost farm businesses over \$100,000 in lost production and management for overly abundant wildlife?
- What is “fair” in relation to carrying capacity or management for ‘wildlife’ on private and public land?
- What type of active management is required to ensure natural breeding signals?
- Should over population affecting endangered species be better addressed?

The Act does seek to protect all wildlife, but it is far from supportive of all species being equal and protection at all costs – and nor should it be. The Act both acknowledged critical species management and streamlining management of overabundance. This is a level of acknowledgement that context and outcomes are important issues. Decisions made by formula without understanding the context can lead to frustration and lost opportunities. ATCW systems, wider use of s7A and fencing at crown costs are examples of to deliver equitable outcomes.

Recommendation

That the Panel recommends refining the management planning requirements of the Act to preparing Landscape Plans in conjunction with landholders to identify ‘natural balance’ and to support the protection of habitat areas and production on private land.

General Duty Issues

The concept of a General Duty is fairly known to agriculture. It needs to be cognisant of the recommendations of the Productivity Commission in ‘Regulation of Australian Agriculture’. Agriculture already has several hundred regulations across the whole supply chain^x. A General Duty would need to reference existing industry practices and understanding all the regulatory objectives. A proper landscape plan with scientific evidence would achieve a better outcome and be less likely to cost shift to private landholders. If used it must prove that it is not result in an unnecessary regulatory burden.^x

Understanding / documenting costs

Victoria as a jurisdiction does not collect data or report on the problems of abundance, including weeds and pests. In 2018 it was estimated that weeds alone cost the Victorian economy \$900 million per annum. Unless the costs and environmental consequences are collected and reported on it is difficult to justify budget allocation to achieve better management. Failure to manage issues can lead to overabundance, for instance deer. Where breeding is left unchecked control actions become expensive and less effective. This is an example of the *Wildlife Act* failing to meet its wider objectives by protecting a species that threatens others and has a negative impact on farming.

ATCW applications require the landholder to state the economic consequence or other impacts. The Act does not really require these issues to be managed though s7A. Commitment to transparency would see that there was reporting on the cost of abundance and proactive use of legislative tools to reduce economic and environmental harm.

Recommendation

The Panel should recommend that each DELWP region compile an annual report on the cost of weeds, pests and overly abundant wildlife and management actions undertaken on public land.

Enforcement

Enforcement issues can be a sign of a poor regulation or poor understanding and communication by the regulator. It would be better to focus on encouraging stewardship on private land and development of landscape plans to protect critical habitat. Where farmers understand the objective and have agency they have an excellent record of delivering outcomes that are good for the environment and the farm. The Act should focus on building based on trust in delivering balanced outcomes with enforcement being for deliberate breaches.

Objectives of the Act

The *Wildlife Act* does have a narrow focus and there are opportunities to ensure that it is transparent in relation to public versus private land and benefit. The Act should ensure that a triple bottom line outcome for private land. The *Planning and Environment Act* has wide-ranging objectives and clear requirements for the planning system.^{xi} *Regulation of Australian Agriculture* also clearly addresses regulatory and governance considerations.

Despite the narrow focus of the Act, there is ample evidence that a more nuanced and balanced outcome is expected. The Act should recognise the need to manage wildlife where there is an economic or environmental impact. An independent review should be available for administrative decisions / guidelines that are not in the spirit of the Act.

The CALP Act and its tool of special areas plans are an example of legislation that binds the crown, deals with land management issues while recognising beneficiary pays aspects. The CALP Act also contains a framework to achieve integrated management and protection and encourage community participation.^{xii}

The Act also talks about the ability to make sustainable use of wildlife^{xiii}. This aspect supports programs such as the kangaroo harvest program that deals with abundance with an income source to help cover the expense and reduces environmental and economic impacts by disposing of carcasses.

In relation to ATCW it is important that the principles that were to bind the Crown and its agencies in the more recent and holistic legislation – the *Flora and Fauna Guarantee Act* – should be incorporated into how the Act is administered. Where there is no risk of extinction then there should be greater use of s7A. For species at risk of extinction then the Act must make provision for compensation payments, similar to s39 of FFG Act.

The current and new *Environmental Protection Acts* use a principle of what is reasonably practical, with the new act having a greater emphasis on managing risk. These concepts could be utilised in relation to ATCW systems for a species not at extinction risk. The concept of not being able to plant crops on large areas of a farm to avoid the need to ‘control’ kangaroos is an example where the current Act fails to be practical in relation to risk.

The current Act has a major flaw in that there is only one reference to economics in the Act at s29(i) and that is purely limited to ‘*economic studies and investigations with respect to the raising, keeping, and rearing of any taxon of wildlife for commercial purposes*’. Failure to understand the economic impost on private land, especially in relation to over abundant wildlife, leads to unfair outcomes that impact on the

willingness of people to undertake strategic actions needed to deliver net gain and protection of endangered species.

Opportunities to widen considerations – from other jurisdictions

South Australia

South Australia has a wider discussion of considerations in making a decision that could be relevant to ATCW systems and are within the gambit of the current *Wildlife Act*. These are:

- What is the extent (or likely extent) of the damage, whether environmental or economic?
- What is the underlying cause of the problem?
- What is the level of threat to human safety?
- Are there non-lethal alternative methods, have they been attempted, and how successful were they?
- Is destruction the most effective method of reducing damage?
- Would an integrated approach using non-lethal and lethal methods provide the best outcome?
- Is the technique proposed to destroy native animals humane and does it comply with the Animal Welfare Act 1985, codes of practice or animal welfare standards?
- Will destroying native animals have a detrimental effect on the conservation of the species or the environment?

Western Australia

The *Biodiversity Conservation Act* in WA replaced the *Wildlife Conservation Act*. Its objectives focus on conservation, protection and sustainable use of biodiversity. The WA Act has defined principles of ecologically sustainable development that clearly incorporate the principle of balanced outcomes including economic, environmental and social considerations^{xiv} and clearly addresses biosecurity WA^{xv}

Australian Capital Territory

The *Nature Conservation Act* in ACT has more holistic objectives relating to ecosystems and processes. It has active recognition of management, co-operation, stewardship, information and participation. In addition, it talks about relationships to other acts as well as important concepts.^{xvi}

Chapter 7 of the ACT legislation also has significant detail on the ability to prepare controlled native species management plans. This is in relation to control of species '*where that the species is having, or is likely to have, an unacceptable environmental, social or economic impact*'.^{xvii}

CONCLUSION

The VFF believes there is a great opportunity for the Panel to recognise the need for a fair and strategic *Wildlife Act*. The Act must establish an obligation on the Crown to manage issues of abundance and support and reward stewardship, including through the payment of compensation where management requires changes in production.

The Victorian Farmers Federation

Victoria's agricultural production accounts for over \$13 billion of Victoria's economy and over 25 per cent of the State's exports per annum. Victoria's farmers produce high quality food and fibre, produced to high standards of safety, with little taxpayer support, and to some of the strictest environmental and highest animal welfare controls in the world.

The Victorian Farmers Federation (VFF) represents a farming community that creates a profitable, sustainable and socially responsible agriculture sector connecting with consumers.

We have a proud history representing Victoria's farm businesses since 1979 – primarily family farms that produce the eggs, grain, fruit and vegetables, meat, and milk that help to feed Victoria's six million people, and the bigger global community, every day.

The VFF consists of commodity groups: dairy (United Dairyfarmers of Victoria), grains, horticulture (including Flowers Victoria), intensives (chicken meat, eggs and pigs), and livestock – and expert committees representing; water, land management, agricultural and veterinarian chemicals, farm business and rural development, and workplace relations.

Our purpose is to make Victorian farmer's lives better; enhancing Victoria's future.

Our mission is to ensure a community of farmers creating a profitable, sustainable and socially responsible agricultural industry connecting with all Victorians.

Endnotes

ⁱ <https://www.humanrights.vic.gov.au/for-individuals/human-rights/>

ⁱⁱ 18 Land manager to prepare management plans for reserves (1) The land manager shall — (a) with respect to each wildlife reserve in existence at the commencement of this section, prepare a plan of management as soon as practicable after the commencement of this section; and (b) with respect to each State Wildlife Reserve constituted after the said commencement prepare a plan of management as soon as practicable after the constitution of the State Wildlife Reserve; and (c) with respect to each Nature Reserve brought under the management and control of the land manager pursuant to section 14(b)(ii), prepare a plan of management as soon as practicable after the commencement of this subsection. (2) The Minister may adopt a plan of management without alteration, or with such alterations as he thinks reasonable, or may refer the plan back to the land manager for further consideration. (3) Every plan of management when sanctioned by the Minister shall be the working plan for the State Wildlife Reserve or the Nature Reserve to which it relates. (4) A plan of management may be amended from time to time with the approval of the Minister and shall, as amended, thereafter be the plan of management of the State Wildlife Reserve or the Nature Reserve to which it relates. (4A) A plan of management under this section may be included as part of a land management plan within the meaning of Division 4 of Part 3 of the Parks Victoria Act 2018. (5) In the case of any appointed land of a Traditional Owner Land Management Board, a plan of management under this section of any State Wildlife Reserve or Nature Reserve does not have effect if a joint management plan (within the meaning of the Conservation, Forests and Lands Act 1987) is in effect for that land. (6) On and after the preparation of a Marine and Coastal Strategy, the Secretary must ensure that a plan of management, to the extent that the plan applies to marine and coastal Crown land, is prepared having regard to the requirements for preparing a coastal and marine management plan in Division 1 of Part 7 of the Marine and Coastal Act 2018. (7) In this section — coastal and marine management plan has the same meaning as in the Marine and Coastal Act 2018; marine and coastal Crown land has the same meaning as in the Marine and Coastal Act 2018; Marine and Coastal Strategy has the same meaning as in the Marine and Coastal Act 2018;

ⁱⁱⁱ <https://www.pc.gov.au/inquiries/completed/agriculture#report>

^{iv} <https://www.pc.gov.au/inquiries/completed/agriculture/report>

^{v v} (1) A special area plan must—

(a) identify the land management issues to be dealt with in the plan; and

S. 30(1)(ab) inserted by No. 23/2019 s. 125.

(ab) have regard to Aboriginal cultural values and traditional ecological knowledge of management of land and water resources of the special area to which the plan applies; and

(b) state the program of action to be taken to deal with those issues, and the costs and benefits of that action; and

(c) state the targets to be achieved by that action; and

(d) allocate responsibility for taking that action and for bearing the costs of taking that action; and

(e) provide for the review of the plan.

(2) A special area plan may—

(a) specify the most suitable land uses for the special area, having regard to the public interest; and

(b) state what land in the area can be used for what purpose; and

S. 30(2)(c) repealed by No. 51/2013 s. 8(1).

* * * * *

(d) identify the need for land use conditions under Division 3.

S. 30(2A) inserted by No. 51/2013 s. 8(2).

(2A) A special area plan must not impose any requirement on a municipal council in relation to noxious weeds or pest animals on a roadside if that roadside is subject to an approved roadside weed and pest animal management plan.

(3) If a special area plan identifies a need for land use conditions it must—

(a) give a general description of the properties to which they are to apply; and

(b) state the general nature of those conditions; and

(c) give a general estimate of the total cost of compliance with those conditions, including any decrease in the value of land or financial loss likely to result as a direct reasonable and natural consequence of compliance; and

- (d) provide a method for apportioning the total estimated cost of compliance between land owners and other persons or bodies who will directly benefit from the implementation of the plan and for apportioning that part of the cost to be borne by land owners between the properties to which the conditions are to apply.

^{vi} 7A Governor in Council may declare protected wildlife to be unprotected in an area of Victoria (1) Whenever it appears to the Minister that a taxon or kind of protected wildlife is causing injury or damage to—

(a) any building, vineyard, orchard, garden or other property;

(b) any crop, grass, trees or other vegetation;

(c) any taxon or kind of animal (including fish)— in an area of Victoria, the Governor in Council may upon the recommendation of the Minister by an Order published in the Government Gazette declare that taxon or kind of wildlife to be unprotected wildlife in the area and for the period specified therein.

(2) An Order of the Governor in Council declared pursuant to subsection (1) shall specify the area, conditions, limitations and restrictions including the persons authorized and the methods that they may use to kill, take or otherwise control the taxon or kind of wildlife declared unprotected.

(3) Upon the making of the Order the Secretary shall cause notice of the making of the Order to be published in a newspaper circulating generally in the area to which the Order applies and the Secretary may take any other measures that the Secretary considers are necessary to publicize the provisions of the Order.

(4) Notwithstanding any other provision of this Act, the killing or taking of wildlife in accordance with the provisions of an Order declared pursuant to this section shall not constitute an offence against this Act or be unlawful by virtue of any of the provisions of this or any other Act. (5) Any person who contravenes or fails to comply with any provision, condition, limitation or restriction contained in an Order under this section shall be guilty of an offence against this Act. Penalty: 50 penalty units.

^{vii} *ibid*

3. Manage total grazing pressure on ecosystem function in reserves

Overgrazing by both native and pest species can harm sensitive ecological communities such as grasslands and grassy box–gum woodlands.

As a priority, the ACT Government will monitor the impacts of grazing on vegetation condition so it can respond to overgrazing impacts on natural ecosystems to maintain or improve ecological function, species diversity and vegetation condition. The government will continue to draw upon research related to grazing pressure that is underway in the Mulligans Flat woodland experiment.

The development and implementation of the Pest Animal Management Plan for Rabbits and the Kangaroo Management Plan are the key actions to manage total grazing pressure in reserves. Actions to manage the impacts of kangaroos and rabbits will be based on the best available science and understanding of impacts.







Ecological modelling of the link between kangaroo population densities and the conservation impacts of kangaroo grazing will inform future kangaroo management.

The use of strategic stock grazing in reserves to manage fuel loads will be informed by best available knowledge of the ecological impacts.

^{viii}

^{ix} Table from <https://www.pc.gov.au/inquiries/completed/agriculture/report>

Table 1 Regulation across the agricultural supply chain^{a,b}

<i>Key Australian Government involvement/regulation</i>	<i>Key stages of the agricultural cycle</i>	<i>Key state/territory government involvement/regulation</i>
<ul style="list-style-type: none"> • native title • environmental protection <ul style="list-style-type: none"> – biodiversity conservation – international treaties – natural, cultural and world heritage 	Acquisition, leasing and preparation of land 	<ul style="list-style-type: none"> • land tenure and use <ul style="list-style-type: none"> – <i>land use planning</i> – <i>building regulations</i> – <i>pastoral leases</i> • environmental protection <ul style="list-style-type: none"> – <i>native vegetation</i> – <i>natural and cultural heritage</i>
<ul style="list-style-type: none"> • agricultural and veterinary chemical standards • biosecurity <ul style="list-style-type: none"> – pest surveillance • export control • environmental protection <ul style="list-style-type: none"> – biodiversity conservation – international treaties – natural, cultural and world heritage • national land transport regulatory frameworks • water access and regulation • welfare of exported animals 	Agricultural production and on-farm processing   	<ul style="list-style-type: none"> • agricultural and veterinary chemicals • animal welfare • biosecurity <ul style="list-style-type: none"> – <i>pest and disease control and response</i> • food certification for export • <i>building regulations</i> • genetically modified crops • land use planning • livestock regulation and identification • transport <ul style="list-style-type: none"> – <i>road access</i> – <i>transport and use of machinery</i> – <i>vehicle licensing</i> • water access and regulation
<ul style="list-style-type: none"> • biosecurity <ul style="list-style-type: none"> – pest surveillance • export control • national land transport regulatory frameworks • shipping and maritime safety laws • welfare of exported animals 	Transport and logistics 	<ul style="list-style-type: none"> • transport regulations <ul style="list-style-type: none"> – <i>road access</i> – <i>transport and use of machinery</i> – <i>vehicle and machinery licensing</i> • animal welfare • livestock regulation and identification
<ul style="list-style-type: none"> • biosecurity <ul style="list-style-type: none"> – pest surveillance • export control • food labelling • food standards • welfare of exported animals 	Marketing 	<ul style="list-style-type: none"> • <i>food safety</i> • food packaging • biosecurity <ul style="list-style-type: none"> – <i>pest and disease control and response</i> • food certification for export • statutory marketing

^a *Italics* denote local government responsibility in at least one jurisdiction. ^b There is also a range of issues and regulations that affect all stages of the agricultural supply chain. Cross-cutting issues include investment opportunities and access to capital, as well as regulations relating to competition, foreign investment, immigration, industrial relations, work health and safety, and taxation.

^x The following principles from the Productivity Commission Report are relevant to both the review of the Act and any consideration of new tools. “An unnecessary regulatory burden exists when the objective of the regulation can be achieved at a lower cost to the community. To assess whether regulations imposed unnecessary regulatory burdens on the agriculture sector, we asked four questions (figure 1).

- *What are the objectives of the regulation?*
- *Are the objectives of the regulation clear and relevant (that is, do the objectives address an economic, social or environmental problem)?*
- *Does the regulation achieve these objectives (is it effective)?*
- *Could the costs of the regulation be reduced or the benefits increased (is there a more efficient way to achieve the same objective)? “*

^{xi} Planning and Environment Act Objectives

4 Objectives

- (1) The objectives of planning in Victoria are—
- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
 - (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
 - (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
 - (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
 - (e) to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;
 - (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);

S. 4(1)(fa) inserted by No. 47/2017 s. 5.

- (fa) to facilitate the provision of affordable housing in Victoria;
 - (g) to balance the present and future interests of all Victorians.
- (2) The objectives of the planning framework established by this Act are—
- (a) to ensure sound, strategic planning and co-ordinated action at State, regional and municipal levels;
 - (b) to establish a system of planning schemes based on municipal districts to be the principal way of setting out objectives, policies and controls for the use, development and protection of land;
 - (c) to enable land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels;
 - (d) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land;
 - (e) to facilitate development which achieves the objectives of planning in Victoria and planning objectives set up in planning schemes;
 - (f) to provide for a single authority to issue permits for land use or development and related matters, and to co-ordinate the issue of permits with related approvals;
 - (g) to encourage the achievement of planning objectives through positive actions by responsible authorities and planning authorities;
 - (h) to establish a clear procedure for amending planning schemes, with appropriate public participation in decision making;
 - (i) to ensure that those affected by proposals for the use, development or protection of land or changes in planning policy or requirements receive appropriate notice;
 - (j) to provide an accessible process for just and timely review of decisions without unnecessary formality;
 - (k) to provide for effective enforcement procedures to achieve compliance with planning schemes, permits and agreements;
 - (l) to provide for compensation when land is set aside for public purposes and in other circumstances.

^{xii} Purposes of the CALP Act

The following are the purposes of this Act—

- (a) to set up a framework for the integrated management and protection of catchments;
- (b) to encourage community participation in the management of land and water resources;
- (c) to set up a system of controls on noxious weeds and pest animals;

(d) to repeal and amend various Acts concerning catchment and land management.

^{xiii} 1A Purposes The purposes of this Act are— (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

^{xiv} WA Biodiversity Conservation Act 2016

3. Objects of Act

(1) The objects of this Act are —

- (a) to conserve and protect biodiversity and biodiversity components in the State; and
- (b) to promote the ecologically sustainable use of biodiversity components in the State.

(2) In the pursuit of the objects of this Act, regard must be had to the principles of ecologically sustainable development set out in section 4.

4. Principles of ecologically sustainable development The principles of ecologically sustainable development are as follows —

- (a) decision-making processes should effectively integrate both long-term and short-term economic, environmental, social and equitable considerations;
- (b) if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- (c) the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations;
- (d) the conservation of biodiversity and ecological integrity should be a fundamental consideration in decision-making;
- (e) improved valuation, pricing and incentive mechanisms should be promoted

^{xv} biosecurity measures means measures under the Biosecurity and Agriculture Management Act 2007 for the control of declared pests including the following — (a) requirements or restrictions imposed by Part 2 of that Act; (b) pest control notices, pest exclusion notices and pest keeping notices under Part 2 of that Act; (c) management plans under Part 2 of that Act; (d) regulations under that Act relating to the keeping, breeding, cultivation or supply of declared pests; (e) the terms and conditions of authorisations under that Act relating to the keeping, breeding, cultivation or supply of declared pests;

control, in relation to an environmental pest or other organism, includes the following — (a) to eradicate; (b) to destroy; (c) to prevent the presence or spread of; (d) to manage; (e) to examine or test for; (f) to survey for or monitor the presence or spread of; (g) to treat;

22. Declared pests (1) A prohibited organism is a declared pest for the whole of Western Australia. (2) The Minister may declare that any other organism of a kind specified or described in the declaration is a declared pest for an area if there are reasonable grounds for believing that the organism — (a) has or may have an adverse effect on — (i) another organism in the area; or (ii) human beings in the area; or (iii) the environment, or part of the environment, in the area; or (iv) agricultural activities, fishing or pearling activities, or related commercial activities, carried on, or intended to be carried on, in the area; or (b) may have an adverse effect on any of those things if it were present in the area, or if it were present in the area in greater numbers or to a greater extent

^{xvi} 6 Objects of Act

(1) The main object of this Act is to protect, conserve and enhance the biodiversity of the ACT.

(2) This is to be achieved particularly by—

- (a) protecting, conserving, enhancing, restoring and improving nature conservation, including—
 - (i) native species of animals and plants and their habitats; and
 - (ii) ecological communities; and
 - (iii) biological diversity at the community, species and genetic levels; and
 - (iv) ecosystems, and ecosystem processes and functions; and

Examples—processes and functions

1 decomposition and production of plant matter

2 energy and nutrient exchanges

(v) ecological connectivity; and

Example—connectivity

the movement of organisms from one place to another

(vi) landforms of natural significance, including geological and geomorphological features and processes; and

(vii) landscapes of natural significance; and

- (b) promoting and supporting the management, maintenance and enhancement of biodiversity of local, regional and national significance; and
- (c) promoting the involvement of, and cooperation between, Aboriginal and Torres Strait Islander people, landholders, other community members and governments in conserving, protecting, enhancing, restoring and improving biodiversity; and
- (d) encouraging public appreciation, understanding and enjoyment of biodiversity; and
- (e) recognising and promoting Aboriginal and Torres Strait Islander peoples' role in, and knowledge of, the conservation and ecologically sustainable use of biodiversity; and
- (f) recognising the significant stewardship role that landholders have in managing the natural assets on their land; and
- (g) ensuring that members of the public have—
 - (i) access to reliable and relevant information in appropriate forms to facilitate a good understanding of nature conservation issues; and
 - (ii) opportunities to participate in policy development, nature conservation planning and conservation work; and

Example

ACT ParkCare

- (h) promoting the principles of ecologically sustainable development.
- (3) In exercising a function under this Act, the Minister must have regard to the objects of this Act.
- (4) In this section:

ecologically sustainable development means the effective integration of economic and environmental considerations in decision-making processes achievable through implementation of the following:

- (a) the precautionary principle;
- (b) the inter-generational equity principle;
- (c) conservation of biological diversity and ecological integrity;
- (d) improved valuation and pricing of environmental resources.

inter-generational equity principle means that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

precautionary principle means that, if there is a threat of serious or irreversible environmental damage, a lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

Part 1.2 Relationship to other laws

Part 1.3 Important concepts

^{xvii} 157 **What is a *controlled native species*?—ch 7**

- (1) In this chapter:
 - controlled native species** means a native species declared to be a controlled native species under subsection (2).
- (2) The Minister may declare a native species to be a controlled native species if satisfied that the species is having, or is likely to have, an unacceptable environmental, social or economic impact.

Example—unacceptable social impact

a threatened native species poses a serious threat to human health

Note Power to make a statutory instrument includes power to make different provision in relation to different matters or different classes of matters, and to make an instrument that applies differently by reference to stated exceptions or factors (see [Legislation Act](#), s 48).

- (3) A declaration is a disallowable instrument.
 - Note* A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).