

Ms Bronwyn Halfpenny MP

Chair

Environment, Natural Resources and Regional Development Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

By email: enrfdc@parliament.vic.gov.au.

Dear Ms Halfpenny,

Inquiry into the Control of Invasive Animals on Crown Land

The Law Institute of Victoria (LIV) welcomes the opportunity to provide a submission to the Environment, Natural Resources and Regional Development Committee's inquiry into the Control of Invasive Animals on Crown Land (the Inquiry).

The LIV has recently established an Animal Welfare Working Group with members comprised of law students and legal practitioners who have a particular interest or expertise in animal law and animal welfare. Members of that group have contributed to this submission.

LIV members note the importance of ensuring that animal welfare is a key priority in the consideration of whether to allow community hunting organisations and individuals to play a role in the control of invasive animals on Crown land.

If the control of animal species by culling is deemed to be necessary, then that culling should be carried out by highly trained individuals with strict oversight, to ensure that animals are killed humanely.

We are concerned that greater use of community hunting organisations and individuals to undertake this culling could lead to a lack of transparency as to how this is carried out, how effective it is in achieving the aim and how humane the culling is.

While the use of community hunting organisations and individuals may be viewed as a cost effective method of controlling invasive species, this should not be at the expense of animal welfare concerns. Organisations and individuals that engage in recreational hunting have very different objectives to the Government in managing natural resources and invasive animals, and these objectives may come into tension.

LIV members suggest that the following issues should be taken into consideration when determining the appropriateness of allowing community hunting organisations and individuals to be part of the control of invasive animals.

1. Is the use of culling necessary and effective in the circumstances?

The preliminary question is whether the use of culling as a control mechanism is necessary in the circumstances. It must be supported by evidence that it is an effective way of reducing the long term numbers of invasive animals and non-lethal alternative methods must be considered, such as reproductive control.

As the RSPCA's policy on the *Management of Wild Animals* states, programs for managing invasive animals should be: supported by scientific evidence; have clearly stated aims; be subject to public consultation; and go through an ethical review and approval process.¹ Programs should also be continually monitored and reports on their effectiveness should be made public.

When determining what form of management is necessary for invasive animals it should be noted that culling or recreational hunting of animals does not necessarily result in long-term reductions in animal numbers.

For example, in 2002-03 Victoria had a fox bounty which resulted in the death of 170,000 foxes. However, the program was abandoned as it was not successful. A subsequent review of the program found that the trial only achieved a 'temporary and insignificant' reduction and demonstrated that bounty systems cannot provide the 'level of broad-scale, consistent control required for a population reduction of a widespread, abundant species with a high reproductive rate'.²

Likewise, the Victorian Game Management Authority's website notes that, despite annual killing by hunters of 30,000 Sambar Deer, their population is flourishing in the Eastern Highlands and they have extended their range into New South Wales and the Australian Capital Territory.³

If culling fails to eradicate or control the population of an animal population, then it fails in its function. As noted above, there must be a critical analysis of whether culling is necessary each time it is proposed and there must be evidence and monitoring of its effectiveness.

2. Is it appropriate for community hunting organisations and individuals to play a role in culling invasive animals?

Community hunting organisations and individuals have very different aims to government agencies with regard to the control of invasive species. Government agencies that manage land are concerned to address the threats that invasive species pose to native biodiversity and so undertake culling with the aim of reducing the numbers of invasive species where they are damaging habitats and ecosystems. Community hunting organisations and individuals hunt animals on a recreational basis and, in order to do so over the long-term, they must ensure that their hunting does not reduce population numbers.

¹ RSPCA, *Policy E02 Management of wild animals* (2010) [2.3].

² Vertebrate Pest Research Unit, Primary Industries Research Victoria, Department of Primary Industries, *Evaluation of the 2002/03 Victorian Fox Bounty Trial* (2005) 7.

³ Game Management Authority, *FAQs - Sambar Deer* <<http://www.gma.vic.gov.au/faqs>>.

This is, therefore, an inherent tension between the aims of the government agencies in reducing the numbers of invasive animals and hunting organisations in maintaining the levels of invasive animals (such as deer), so they can continue to hunt them. For example, a report on the 2002-03 fox bounty found that anecdotal evidence suggested that fox hunters reduced their activity during the fox breeding season to ensure "next year's crop", which effectively undermined the aims of the bounty.⁴

The management of wild deer in Victoria also reflects this tension. Wild deer are currently protected as game species under the *Wildlife Act 1975 (Vic)*, with the aim of conserving them for hunting opportunities. However, as the Deer Control Program run by Parks Victoria notes, Sambar and Fallow Deer are having a 'negative impact on the native vegetation, fauna, creeks and macro and micro-invertebrates' in the Dandenong Ranges National Park, which has led to the response to cull them.⁵

This inherent tension suggests that any potential role for community hunting organisations in culling should be strictly monitored with vigorous oversight. It also highlighted the need for any additional hunting or culling programs to be based strictly on scientific evidence and monitored to ensure their effectiveness.

3. All culling should be humane

If it is determined that culling is necessary and would be effective in achieving clear aims relating to environmental protection, then the next consideration is how that culling should be carried out to ensure it is humane.

For culling to be considered humane it needs to be undertaken by experienced, skilled and responsible shooters.

While the *Code of Practice of the Welfare of Animals in Hunting* provides some minimum standards for humane hunting, more detailed guidelines and standards would be required where hunting is undertaken for the purposes of culling as part of a Government program.⁶

Hunters are not required to undergo competency assessment for shooting accuracy before obtaining a licence or permit, which means that their skills in ensuring humane deaths for animals can vary.⁷ Culling by hunters without adequate training and skills can result in significant animal suffering, including slow, painful deaths due to injuries and poor targeting. In some cases this conduct may breach the *Code of Practice for the Welfare of Animals in Hunting* and may constitute animal cruelty under the *Prevention of Cruelty to Animals Act 1986 (Vic)*.⁸

If Parks Victoria and other agencies sought to use community hunting organisations and individuals to cull invasive animals there should be strict training and skill requirements.

⁴ Vertebrate Pest Research Unit, Primary Industries Research Victoria, Department of Primary Industries, *Evaluation of the 2002/03 Victorian Fox Bounty Trial* (2005) 7.

⁵ Parks Victoria, *Deer Control Program - Questions and Answers* (March 2014).

⁶ Bureau of Animal Welfare, *Code of Practice for the Welfare of Animals in Hunting* (revision No.1) (17 March 2005).

⁷ Game Management Authority, *Apply for a Game Licence* <<http://www.gma.vic.gov.au/licensing/apply-for-a-game-licence>>.

⁸ See, e.g. the offences under s 9 *Prevention of Cruelty to Animals Act 1986 (Vic)*; Bureau of Animal Welfare, *Code of Practice for the Welfare of Animals in Hunting* (revision No.1) (17 March 2005).

The Deer Control Program being run by Parks Victoria has engaged 'skilled, authorised and trained accredited shooters' from the Australian Deer Association and Sporting Shooters Association to carry out the culling of up to 220 Sambar and Fallow Deer in the Dandenong Ranges. It is unclear what form of training the shooters are required to undertake. Parks Victoria notes that only 'authorised shooters with an Authority to Control Wildlife permit' can participate in the program. However, again, the Authority to Control Wildlife permit does not require any competency for shooting accuracy before it is granted. The accreditation process for hunters undertaking culling should be transparent and rigorous, including a skills competency assessment.

4. Monitoring and oversight requirements

If community hunting organisations and individuals were to play a role in culling invasive animals, then, along with strict training and skills requirements, there should also be monitoring and oversight of how the culling takes place to ensure that it is humane and effective.

The Deer Control Program appears to involve the oversight of Parks Victoria staff, with four staff attending one of the hunting operations.⁹ This is crucial to ensuring that hunting is carried out in a humane way and in a manner which does not result in further damage to the environment. All culling activities carried out by hunting organisations or individuals should involve this degree of direct oversight.

The Deer Control Program also involves a detailed scientific monitoring program to assess its effectiveness in reducing deer numbers and the programs impact on areas of high environmental value. This is important to ensure that the culling operation achieves its objectives, particularly in light of the large number of deer killed by hunters in Victoria, with no permanent reduction in numbers.

Parks Victoria, or other Government agencies, should be proactive in ensuring that any hunting is carried out humanely and to ban hunters or organisations from taking part in future programs if appropriate standards are not met.

LIV members are concerned that if culling programs using hunting organisations and individuals are introduced on a wider basis, this may lessen the ability for Parks Victoria and other agencies to have direct oversight over the way in which the culling is carried out, which may lead the culling to be less humane and with less opportunity for scientific monitoring.

The costs incurred in providing this oversight, training and accreditation of hunters may outweigh the cost savings from using hunting organisations and individuals.

⁹ Parks Victoria, *Deer control trial for a healthier Alpine National Park* (27 July 2015) <<http://parkweb.vic.gov.au/about-us/news/deer-control-trial-for-a-healthier-alpine-national-park>>.

Conclusion

Finally, the LIV would like to reiterate the concerns raised by the Acting Auditor General in his submission to this inquiry.¹⁰ The Auditor-General's 2010 report on the *Control of Invasive Plants and Animals in Victoria's Parks* found that the governance arrangements for the control of invasive species in Victoria are complicated, lack transparency and consistency and do not clearly assign responsibility for oversight or for success or failure.¹¹

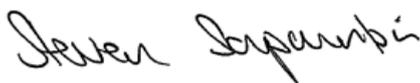
If the goal of reducing the numbers and impact of invasive species is to be achieved then it needs to be done consistently on a state-wide basis, with improved oversight and monitoring and programs based on scientific effectiveness. The inherent tension between providing sufficient game for hunting needs to be reconciled with the impact of these animals (such as deer) on Victoria's environment.

Animal welfare must remain a high priority in any programs to reduce invasive animal numbers and alternatives to culling should be investigated and implemented wherever possible.

Nicky Neville-Jones (Chair of the LIV's Animal Welfare Working Group) and Tom Hanna (member of the LIV's Animal Welfare Working Group) contributed to this submission.

If you have any questions relating to this submission please contact Kate Browne (03 9607 9489) or kbrowne@liv.asn.au.

Yours sincerely,



Steven Sapountsis

President

Law Institute of Victoria

¹⁰ Dr Peter Frost, Acting Auditor-General, Submission No 83 to Environment, Natural Resources and Regional Development Committee, *Inquiry into the Control of Invasive Animals on Crown Land*, 4 August 2016.

¹¹ Victorian Auditor-General, *Control of Invasive Plants and Animals in Victoria's Parks*, Report (May 2010) vii.