

"Regulating the protection of Wildlife: Statement of Regulatory Intent"

Submission from Kinglake Friends of the Forest Inc



[Kinglake Friends of the Forest Inc](#) is a not-for-profit environment organisation established for people who want to learn about, discuss and advocate for the preservation of the native forests in Kinglake and the Central Highlands. We organise visits to these forests both for day trips and at night when we introduce people, many for the first time, to the excitement of spotlighting for species such as the Greater Glider and the koala.

Wildlife needs effective protection. It is an important part of our environment and essential to the proper functioning of our ecosystems. Wildlife also has an intrinsic value at an individual and species level. Theoretically, all wildlife in Victoria, is protected under the Wildlife Act 1975, as is wildlife habitat. Currently, this legal protection is too often ineffective.

If this is to be remedied, the Regulatory Intent document needs to present clear, measurable targets for wildlife harm reduction and an explanation of how the achievement of these targets will be measured and then demonstrated to the public.

The Office of the Conservation Regulator must monitor and enforce the law much more effectively.

An obvious failure on the part of the OCR is its laissez-faire attitude to VicForests. Logging is listed as one of the main threats to many threatened species in their Flora and Fauna Guarantee Act Action Statements, yet VicForests frequently seems to flout the law with impunity. It is rare for the OCR to accept for investigation a breach report against VicForests, despite painstaking gathering and presentation of evidence by complainants. There must be set processes which prescribe avenues of discussion after a breach report result. Currently, community groups and citizen scientists have little confidence in the process.

Even on those occasions when the Timber Code is found to have been breached there are no prosecutions. The Federal Court's finding that VicForests had logged over 60 coupes illegally suggests that this is not because VicForests conduct is unimpeachable.

All breaches should be prosecuted barring exceptional circumstances. However, Government agencies and commercial companies found to be in breach of the law should be prosecuted without exception.

Logging is one of the worst causes of harm to wildlife and habitat. The logging industry needs to be a priority for the OCR. An example of this is the absurd situation where "prevention of taxa from becoming extinct" is said to be a priority for the OCR yet permission is sometimes given for VicForests to construct access roads through Special Protection Zones. There is no justification for this ever to happen.

It appears that the Flora and Fauna Guarantee Act is not being enforced in the logging industry at all. The requirements of newly listed threatened species need to be specifically regulated even if they have not yet been included in the codes.

As stated, the OCR needs to demonstrate that it is achieving its targets in tackling threats to wildlife by identifying and prosecuting those harming wildlife and by making public the outcome of all investigations and prosecutions.

Details that should be made public include:

- the number and type of assessments of complaints or breach advice reports,
- the number of investigations,
- the number of prosecutions
- the number of successful prosecutions

NB. The wildlife harm caused by prescribed burning also needs regulation. It is not clear whether the OCR is responsible for regulating this but if it is, the foregoing would all apply to the conduct of these burns as well.

Kinglake Friends of the Forest Inc

30.8.2021

kinglakefriendsoftheforest@gmail.com

PO Box 166,

St Andrews, 3761