

24/5/2021

RE: Native Bird Licensing Review - Victorian Wildlife Act 1975

A review of native bird licensing in Victoria is now underway. We are at the very early stages, with an independent expert advisory panel (Panel) appointed to produce a report. The review's website is here...

<https://www.wildlife.vic.gov.au/wildlife-act-review>

An initial stakeholder meeting with the Panel, which I will attend, is to be held this Friday 28th May 2021 via teleconference. I have already communicated with the Panel on a number of occasions.

Many of the Panel members have no experience with aviculture, and some are specifically experts in the field of animal welfare. This is of some concern as it may mean an inappropriate focus is placed on welfare when the Wildlife Act is about protection and conservation of wild populations. This is of particular concern given the providence of extreme animal rights groups in Victoria. Other legislation deals with animal welfare and a parallel review of Victoria's animal welfare legislation is underway now.

In other eastern states most of the species common in aviculture have (or soon will) move to an exempt list. This includes many of the current Victorian "Wildlife Basic" bird species. Is this what Victorian aviculture would like?

CCBFA is a key stakeholder and as such we will be representing the views of our member clubs. As is the case with all these reviews, it is critical that aviculture presents a united voice to government.

If we disagree on matters then those disagreements should be resolved within aviculture, never in meetings with government. To this end CCBFA proposes we form a sub-committee to ensure we work as one on behalf of aviculture in Victoria. If and how we go about forming such a committee is to be decided, and will be discussed at the July 7th 2021 CCBFA meeting.

The remainder of this document outlines the current legislation and then presents some of my personal thoughts.

The current legislative situation...

The current Wildlife Act 1975 (Act) is here...

http://classic.austlii.edu.au/au/legis/vic/consol_act/wa197593/

The current Wildlife Regulations 2013 (Regs) are here...

http://classic.austlii.edu.au/au/legis/vic/num_reg/wr2013n64o2013283/

1. Wildlife licences are issued under Section 22 of the Act.
2. Currently 1 PU (penalty unit) is approximately \$130
3. s.22(1)(b) is the main licence for aviculture which allows licensees to "buy, sell, acquire, receive, dispose of, keep, possess, control, breed, process or display wildlife (other than specified birds)."
4. Specified birds are exotic game birds listed in the Schedule to the Act, currently pheasant, partridge, European quail, Japanese quail and Californian quail.
5. s.22(3)(b) means licence conditions are to be detailed in the Regs. Refer Reg 7, 8 and 12.
6. s.22(3)(c) requires "that the holder of the licence must allow inspection by an authorised officer, at any reasonable time, of any dwelling house specified in the licence for the purpose of monitoring compliance with this Act, the regulations or the conditions of the licence."

7. Offences for keeping threatened and protected wildlife (without a licence) are specified in s.45 and s.47 respectively. Fines of 240PU (+20PU per animal) and 50PU (+5PU per animal apply to s.45 and s.47 offences respectively.
8. There are currently 3 licence categories relevant to aviculture specified in Reg 7, Reg 8 and Reg 12.
9. There are a number of relevant Schedules within the Regs that specify the list of species that may be kept by different licence categories.
 - Schedule 2 – basic birds
 - Schedule 3 – advanced birds
 - Schedule 4 – exempt birds not requiring a licence
 - Schedule 7 - Emu
10. “Wildlife Basic” is specified in Reg 7 and permits non-commercial keeping of species in Schedules 2 and 7 of the Regs.
11. “Wildlife Advanced” is specified in Reg 8 and permits non-commercial keeping of species in Schedules 2, 3 and 7 of the Regs.
12. “Wildlife Dealer” is specified in Reg 12 and allows commercial dealings in species in Schedule 2, Part A of Schedule 3, Schedule 4 and Schedule 7.
13. Reg 49 exempts people from requiring a licence to keep captive bred from the species listed in Schedule 4.

Initial thoughts...

1. Align exempt species with those in Queensland, and currently proposed for NSW and ACT. Essentially all commonly kept and bred species should be exempt as they are no risk to wild populations.
2. Ensure animal welfare concerns do not unreasonably influence the review. The Wildlife Act is about protection and conservation of wild populations.
3. Make clear that aviculture does not wish to take from the wild except under exceptional circumstances, such as threatened species captive breeding programs, scientific endeavour or to establish a new species in captivity.
4. Implement an advisory committee to represent avicultural interests under the new Act.
5. Implement a system to move species on to and off licence or between licence categories, with advice via the advisory committee.
6. Ensure aviculture is split off from hunting in the new Act to avoid all confusion.
7. Possible concern over right of entry to check licence conditions based on s.22(3)(c) in 6 above.

If your club is interested in this review then please ensure a CCBFA delegate attends our July 7th 2021 meeting. This meeting will be held via Zoom only.

Kind regards,



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