



**Humane
World for
Animals™**

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SOUTH AUSTRALIA'S DRAFT BIODIVERSITY BILL
18 February 2025

About Humane World for Animals

For more than 70 years, Humane World for Animals—formerly Humane Society International—has been a leader of the animal protection movement, tackling the root causes of animal cruelty and suffering to drive lasting change and create a better world for all animals around the globe.

Submitted to:

Biodiversity Coordination Unit
Department of Environment and Water
By email: biodiversityact@sa.gov.au

For further information on this submission, please contact:

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Introduction

Humane World for Animals, Australia (formerly called Humane Society International Australia) welcomes the opportunity to provide feedback on South Australia's draft Biodiversity Bill (**bill**).

We have a long history of nominating species and habitats for protection and advocating for stronger environmental laws.

Our work also focuses on promoting human-wildlife coexistence and ensuring that laws and policies reflect ethical and humane treatment of Australia's native wildlife.

Given our area of expertise, and the limited timeframe for consultation on a very substantial piece of legislation, this submission primarily focuses on the following parts of the bill:

- Part 5 - Protected animals
- Part 6 – Threatened species, threatened species, threatened ecological communities and listed ecological entities; and
- Part 9 - Permits.

We also offer brief comments on some other aspects of the bill throughout this submission.

Overall, while some changes represent a step forward, several provisions require significant strengthening to ensure they function effectively. We are also concerned that the bill lacks mechanisms to provide absolute protection for biodiversity and proposes to retain, without significantly improving, the Significant Environmental Benefit scheme.

Context for feedback on Parts 5 and 9 of the bill

Human-wildlife interactions are a reality in communities worldwide, including in Australia. However, when conflicts arise, wild animals are often unnecessarily killed in attempts to resolve these issues.

Every year, Australia's state and territory governments allow private landholders to kill hundreds of thousands of native animals in an attempt to reduce or resolve human-wildlife conflict.

In October 2024, we released a report entitled [*Licence to Kill: The Shocking Scale of Licensed Wildlife Killing in Australia*](#) which, for the first time, quantified the national scale of native wildlife killing on private land across Australia. Our research revealed that between 2021–2023, licences were issued to kill more than 4.5 million native animals across Australia, including at least 265,572 native animals in South Australia. These figures do not include the likely thousands of dingoes, zebra finches, budgerygahs, red wattlebirds, grey-backed silvereyes, Australian ravens, galahs, little crows, or little ravens that were allowed to be killed without a permit in South Australia, because they are listed as 'unprotected' under the *National Parks and Wildlife Act 1972* (**NPW Act**). Our report highlights significant deficiencies with the current policy and legislative frameworks, including a failure to prioritise non-lethal alternatives, and a lack of reporting and transparency. Our report further calls for urgent reforms to end the licensed killing of native wildlife across Australia, prioritise humane, non-lethal alternatives, which are often more effective at resolving conflicts, and to strengthen existing laws to make it harder to obtain licences to kill native animals.

We advocate that fostering coexistence between humans and wildlife is beneficial for both parties. We do not support lethal wildlife management and inhumane control actions to resolve conflicts. Such actions often only treat symptoms and temporarily alleviate the conflict, leading to a continuous cycle of killing. We believe interventions driven by negative labelling, convenience, disrespect, misplaced fear and misunderstanding result in needless and often inhumane killing. We work to raise awareness and encourage government agencies to support people to adopt humane, science-based approaches to managing these interactions. In rare instances where coexistence is genuinely not possible, we advocate for management responses that are humane, ethical, and effective.

It is through this lens that we provide feedback on Parts 5 and Part 9 of the bill.

The bill offers an opportunity to drive institutional and cultural change by promoting coexistence with native wildlife rather than continuing ineffective and harmful lethal management practices. However, as currently drafted, we are disappointed that the bill essentially maintains the status quo and misses this opportunity.

PART 2 – OBJECTS, PRINCIPLES AND GENERAL DUTY

Objects

We generally support the Objects proposed in the bill (clause 7). While noting the intention to create a State Biodiversity Plan that will “define measurable targets and set expectations for monitoring and evaluating the state and condition of biodiversity in the State”, in our opinion a clear target for overall restoration should be captured in the Objects of the Act. Specifically, the Objects should include a goal to stop and reverse biodiversity loss by 2030, and to fully restore biodiversity by 2050, consistent with the Global Biodiversity Framework to which Australia is a signatory. Targets within the State Biodiversity Plan should then be shorter term targets consistent with the 2030 and 2050 goals.

Principles

In addition to the Principles proposed in the bill (clause 8), the Act should contain a principle requiring decisions to be made consistent with the precautionary principle – that is, where 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. We also suggest the inclusion of a Principle of achieving intergenerational equity.

PART 3 – ADMINISTRATION

Scientific Committee

We support the establishment and proposed functions of the Scientific Committee (clauses 23 and 25). In our view any Regulations under clause 24 that set out requirements on the requisite skills and expertise of the members of the Scientific Committee should be constrained to ensure that the Scientific Committee is limited to experts with ecological expertise.

PART 5 – PROTECTED ANIMALS

We support the broader definition of ‘protected animal’ and the removal of the ‘unprotected species’ list.

However, we are concerned that the bill proposes to introduce two new mechanisms (namely, schedule 4 and clause 67) which would allow for the destruction of certain native animals without a permit.

Schedule 4 – Unregulated Activities

We strongly oppose Schedule 4, which establishes a list of “unregulated activities” that permit the killing of native animals and destruction of protected habitat without oversight. This undermines the objectives of the bill by allowing harm to species and habitats with minimal accountability. Of particular concern are the following provisions:

- Clause (b): Allows dingoes to be ‘taken’ (killed) without a permit, including if they are “likely” to cause damage to stock.
- Clause (c): Permits the destruction of protected habitat outside designated zones if it is deemed to “likely” cause damage to crops, stock, machinery or infrastructure.
- Clause (e): Allows further, unspecified acts or activities and species to be prescribed as unregulated acts or activities for the purposes of clause 62(2) of the bill.

Dingo management

The dingo is Australia’s top land-based predator and is of high conservation value due to their ecological, cultural and evolutionary roles.¹ The removal of dingoes is a major cause of Australia’s wave of mammalian extinctions.² Studies show that dingoes reduce the density or alter the behaviour of introduced meso-predators e.g., wild cats and red foxes via trophic regulation, thereby assisting the survival of smaller native species. Red foxes and feral cats have been implicated in the extinction of at least 20 native mammal species since their arrival in Australia, and both predators currently threaten many extant native species.³ The persistence of many of Australia’s fauna and flora species depends on the function of healthy and intact dingo families.

Due to Australia’s variable climate and more frequent climate extremes, the dingo has an integral role to play, with research finding that “given that resource pulses are usually driven by large yet infrequent rains, we conclude that top predators like the dingo provide net benefits to prey populations by suppressing meso-predators during prolonged bust periods when prey populations are low and potentially vulnerable”.⁴

¹ Cairns, K. M (2021) What is a dingo – origins, hybridisation and identity. *Australian Zoologist*, 41(3)

² Johnson, C. N., Isaac, J. L. and Fisher, D. O. (2007). Rarity of a top predator triggers continent-wide collapse of mammal prey: dingoes and marsupials in Australia. *Proceedings of the Royal Society of London B: Biological Sciences* 274:341– 346.

³ Woinarski, J.C.Z., Burbidge, A.A. and Harrison, P.L. (2015). Ongoing unravelling of a continental fauna: decline and extinction of Australian mammals since European settlement. *Proc. Natl. Acad. Sci.* 112, 4531– 4540.

⁴ Greenville, A. C., Wardle, G. M., Tamayo, B. and Dickman, C. R. (2014). Bottom-up and top-down processes interact to modify intraguild interactions in resource-pulse environments. *Oecologia* 175,

Dingoes also regulate the abundance and movement of prey species, which in turn benefits plant communities and grazing industries.⁵ Increasingly cattle graziers are seeing the dingo as a land management tool. Herbivore control by dingoes allows management and resting of total grazing pressure in paddocks. This can help graziers to profit from conservative stocking densities, reducing the risk of pasture over-utilisation and degradation.

Dingoes are currently excluded from protection under the existing NPW Act on the basis that they are considered a farm animal predator that must be controlled.⁶ That is an outdated and inappropriate philosophy that can be addressed through the bill. A growing body of scientific evidence about the role of dingoes as top predators necessitates the need to modernise this bill to reflect the important ecological and cultural role of dingoes.

Trapping, shooting and poisoning dingoes does not resolve livestock depredation, and only results in a cycle of conflict,⁷ whereby culling needs to be continually repeated. The lethal control of dingoes not only has significant welfare consequences to dingoes (injury, death, disruptions of social groups) it also undermines biodiversity conservation and contributes to a loss of ecosystem resilience.⁸ Evidence shows that post dingo culling leads to an increase in rabbit, fox and cat populations.⁹ Dingoes are the main predators of feral goats. There are many examples where the presence of uncultured populations of dingoes has restricted the distribution of goats.

New evidence shows how dingoes provide an essential ecosystem service through the long-distance dispersal of mycorrhizal fungi. This occurs when dingoes predating on smaller mycophagous animals and then act as secondary dispersers the fungi in their scats.¹⁰ Mycorrhizal fungi are essential to nutrient acquisition in plant communities. Some fungi are unable to independently spread spores via wind. This study highlights a previously unrecognised yet essential ecosystem service provided by dingoes.

It has also been argued that most dingoes are not 'pure' dingoes (which is reflected by the fact that the NPW Act refers to dingoes as 'wild dogs'). However, research now shows that

1349–1358 15 See for example: Letnic, M., Koch, F., Gordon, C., Crowther, M.S. and Dickman, C.R. (2009). Keystone effects of an alien top-predator stem extinctions of native mammals. *Proceedings of the Royal Society of London. Series B-Biological Sciences*. Vol. 276, 3249-3256.

⁵ See for example: Letnic, M., Koch, F., Gordon, C., Crowther, M.S. and Dickman, C.R. (2009). Keystone effects of an alien top-predator stem extinctions of native mammals. *Proceedings of the Royal Society of London. Series B-Biological Sciences*. Vol. 276, 3249-3256

⁶ See South Australian Wild Dog Management Strategy 2023-2033 available at https://www.pir.sa.gov.au/_data/assets/pdf_file/0006/438513/sa-wild-dog-management-strategy.pdf.

⁷ Smith, B., & Appleby, R. (2018). Promoting human-dingo co-existence in Australia: Moving towards more innovative methods of protecting livestock rather than killing dingoes (*Canis dingo*). *Wildlife Research*. 45 (1), 1-15. doi: 10.1071/WR1616

⁸ See for example: Boronyak, L., & Jacobs, B. (2023). Pathways to coexistence with dingoes across Australian farming landscapes. *Frontiers in Conservation Science*, 4, 13.

⁹ Caughley, G., Grigg, G. C., Caughley, J., and Hill, G. J. E. (1980). Does Dingo Predation Control Densities of Kangaroos and Emus? *Australian Wildlife Research*. Vol 7, 1-12

¹⁰ Elliott, T., Paine, C. T., Ballard, G. A., Milne, H., Van der Eyk, J., Elliott, K., ... & Vernes, K. (2023). The dingo (*Canis familiaris*) as a secondary disperser of mycorrhizal fungal spores. *Wildlife Research*.

hybridisation between dogs and dingoes in Australia has been greatly overstated¹¹ and that 'wild dogs' are in fact dingoes.

Dingoes are of cultural, social, and spiritual significance to many Australians, including First Nations peoples, many of whom hold kinship ties to and traditional knowledge about native animals, including dingoes, and the Australian landscape more broadly.

We strongly oppose the lethal management of dingoes and advocate for a more balanced approach that recognises their ecological and cultural value. The bill should reflect recent advances in the understanding of dingoes' role in ecosystems and promote non-lethal methods of managing conflicts with farm animals, such as [Predator Smart Farming](#).

Clause (b) in schedule 4 should be removed accordingly. Allowing certain activities, such as the killing of native species without any form of assessment, oversight, or scientific evidence, is inappropriate and undermines the objectives of the legislation. It also makes compliance and enforcement efforts very difficult, if not impossible.

If lethal control is genuinely necessary, we consider that dingoes should be managed in the same way as other protected animals—permits should be required to kill them, and additionally, the law should require that all efforts must be made to exhaust non-lethal alternatives first.

Destruction of protected habitat

Under the existing NPW Act, a person does not require a permit to destroy, damage or disturb the burrow of a wombat if the burrow is outside a Wombat Burrow Protection Zone and the burrow is causing, or is likely to cause, damage to crops, stock, machinery or infrastructure or may constitute a safety risk or hazard to people.¹²

While the bill proposes to extend the current offence for destroying, damaging or disturbing a wombat burrow in a wombat protection zone to other types of declared habitat, it also appears to extend the current exemption (in section 68AA(3) of the NPW Act) to other types of declared, protected habitat (as per schedule 4, clause (c)).

We strongly oppose the inclusion of this exemption. If a person wishes to destroy a wombat burrow (or other protected habitat), then they should be required to obtain a permit. It is imperative that habitat destruction is subject to assessments and regulatory oversight.

If clause (c) is to be retained, then it should be amended to ensure a person cannot destroy protected habitat without a permit unless they have demonstrated, with evidence, that damage has occurred as a result of the protected habitat and that they have exhausted alternatives before resorting to destruction.

We also strongly recommend that clause (e) be removed from the bill.

Clause 67 – Declaration to take certain protected animals

Clause 67 of the bill empowers the Minister to declare that certain protected species may be taken in certain circumstances.

¹¹ See for e.g., Kylie Cairns et al, 'Genome-wide variant analyses reveal new patterns of admixture and population structure in Australian dingoes' (2023) 32(15) *Molecular Ecology* 4133.

¹² *National Parks and Wildlife Act 1972*, s 68AA(3).

The explanatory guide to the bill explains that this provision will enable the management of 'impact causing species'. For example, the minister may declare that, in certain parts of the state, a permit is not required to take a little corella where they are damaging agriculture lands or the environment, and specify how they may be taken.

In our view, this mechanism contradicts the statement made in the explanatory guide to the bill which says the removal of the unprotected species list recognises that all biodiversity is intrinsically valuable, because it effectively allows 'impact causing species' to be managed in the same way. It could also undermine the integrity of the bill by allowing native animals to be killed without any assessment or oversight (e.g. if a permit is not required).

We strongly oppose the inclusion of this clause. If retained, we recommend that any declaration under clause 67 should be accompanied by stringent safeguards to curtail this very broad power. These include a requirement for an impact assessment to determine whether the destruction is necessary, consideration of non-lethal alternatives, and evidence that the action will not affect the conservation status of the species. Furthermore, any activities conducted under this exemption should be subject to a permit, and humane methods should be enforced. There should also be clear guidelines for monitoring and public reporting of any animals killed, with the impact assessment being revisited on an annual basis (if the declaration will be in force for more than 12 months (which we would not support)). The Minister should not have unlimited discretion to make declarations, and there must be a clear requirement to base decisions on scientific evidence and to consult a variety of parties, including First Nations peoples and the scientific community.

We are also concerned that clause 67 will be used to facilitate the continuation of annual recreational native duck and quail hunting seasons, particularly given that the existing 'open season' provisions from the NPW Act have not been included in the bill. We note that in the Northern Territory, the Minister uses a similar mechanism under the *Territory Parks and Wildlife Conservation Act* to facilitate an annual recreational native waterfowl season.

Humane World for Animals strongly opposes recreational duck hunting on environmental, animal welfare and public safety grounds. We urge the South Australian Government to amend the bill to prohibit the practice.

Commercial harvesting of kangaroos

We also oppose the continued commercial harvesting of kangaroos as foreshadowed in clause 66 of the bill, and the fact that the bill allows for other protected animals to potentially be commercially harvested (as per clause 66(9)). We would strenuously object to other native species being opened up to commercial exploitation.

The Australian kangaroo industry is the largest consumptive wildlife industry in the world. The commercial (and non-commercial shooting of kangaroos) has been strongly criticised by a variety of individuals and organisations including ours due to the lack of oversight, serious animal welfare concerns and questionable science underpinning the various programs.¹³ Given the ethical, ecological, and welfare concerns surrounding commercial kangaroo harvesting, we urge the South Australian Government to prohibit the industry.

¹³ See for e.g. <https://www.kangaroosalive.org/declaration>

We understand the South Australian Government will shortly inquire into both the commercial and non-commercial shooting of kangaroos. We consider that the commercial harvesting provisions in the bill should at least be removed from the bill until that process has concluded and the outcome of the inquiry is known.

To manage interactions with kangaroos, we advocate instead for non-lethal alternatives and restoration of dingoes as top predators of wild herbivores.

Other comments in relation to Part 5

- The bill does not currently propose to impose higher penalties for taking an animal of a threatened species—we believe this should be included in the bill.
- The bill currently lacks recognition of animal sentience—sentience of wild animals and their intrinsic value should be explicitly recognised.
- There are currently no animal welfare considerations built into the bill— compliance with animal welfare legislation should be embedded and welfare of wild animals should be considered by entities and decision makers, wherever relevant.

Ultimately, the bill must go beyond maintaining the status quo. The continued exploitation and harm of native wildlife for commercial or recreational purposes is neither ethically nor ecologically sustainable, and the bill should reflect a commitment to preserving the intrinsic value of Australia's native animals and prioritising human-wildlife coexistence.

PART 6 – THREATENED SPECIES, THREATENED ECOLOGICAL COMMUNITIES AND LISTED ECOLOGICAL ENTITIES

Listing Processes

We support the proposal to include listing processes for threatened species and ecological communities and other ecological entities in legislation. We recommend that eligibility criteria are included in the Act rather than deferred to Regulation (clause 71) and support the application of the Common Assessment Method by reflecting the listing requirements outlined in the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

In making a listing decision, including whether to include an entity in a particular category (whether as a result of a transfer or otherwise), the Minister must be required to only consider matters relating to whether the entity is eligible to be included in that category (clause 73). Whether a species is eligible for listing should be an ecological question alone. It is only in deciding subsequent management that it is appropriate for other factors to be a consideration.

In deciding whether to remove an entity from a category the Minister must not delete (whether as a result of a transfer or otherwise) an entity from a particular category unless satisfied that the entity is no longer eligible to be included in that category clause 73(b)). Equally, the Minister must not be permitted to delete a threatening process from the list unless satisfied that it is no longer eligible to be treated as a key threatening process.

Clause 74(3)(c) allowing the Minister to reject a nomination on the basis that it is unlikely to meet the criteria in the absence of any advice from the Scientific Committee is inappropriate and should not be included in the bill. The listing process should be resistant to any

opportunity for political interference. Any listing decision by the Minister must be consistent with advice from the Scientific Committee, not merely take that advice into account (clauses 74(5) and 74(8)).

The prescribed period for determining a listing should be included in the Act (clauses 74(4) and 74(7)). During our long experience nominating threatened species for protection in many jurisdictions in Australia, Humane World for Animals has observed the problem of lengthy listing delays while species continue to decline.

We support the inclusion of expedited and provisional listing processes (clauses 75 and 76).

The bill should also include provisions for public nominations of key threatening processes.

We recommend the addition of clauses that would allow the Minister to keep information related to threatened entities confidential if the survival of the entity could be threatened by the disclosure of that information, or by the presence or actions of persons if some or all of that information was disclosed publicly.

Action Plans and Threat Abatement Plans

We welcome the inclusion of provisions for action plans and threat abatement plans in the bill. However, we stress that these frameworks must be robust and effective in delivering real outcomes for biodiversity conservation.

The Minister must be required to prepare an Action Plan (clause 77(1)) for each threatened species and ecological community and a threat abatement plan (clause 79(1)) and for each key threatening process.

Minimum community and First Nations consultation of 40 days should be required for Action Plans (Clause 77(2)(b)) and threat abatement plans (Clause 79(2)(b)).

We suggest that the bill be amended to require action plans for critical habitat, or at a minimum, require action plans for threatened species to include the identification and protection of critical habitat.

Additionally, there should be specific provisions for reporting on the implementation and effectiveness of these plans, and regular reviews, particularly after major environmental events.

Critical Habitat and Critical Habitat Features

We support provisions aimed at protecting critical habitat but believe these should be strengthened to provide real, enforceable protection. The identification and declaration of critical habitat should be mandatory, and we recommend that this responsibility lie with the Scientific Committee rather than the Minister. The Minister (or the Scientific Committee) should be required to identify critical habitat for threatened species and ecological communities within six months of listing, not merely consider such a listing. Critical habitat should be determined based on clear criteria on those areas that are essential to species survival and recovery.

Given the importance of critical habitat and critical habitat features, the Native Plants Clearance Assessment Committee should not be permitted to give consent to the destruction, damage or disturbance of critical habitat (clause 87). Nor should there be any

provision for the issuing of permits to damage critical habitat features. If such permits are maintained, rather than permitting any damage until an entity is at risk of extinction or collapse, the Minister should not be permitted to issue a permit where the harm would cause a further decline, or prevent the recovery, of the entity

Finally, to truly protect critical habitat, we suggest the introduction of "no-go areas" where development would be prohibited, or a framework requiring mandatory refusal of projects that would significantly impact critical habitat. These measures would help ensure meaningful protection for critical habitats across the state.

PART 9 – PERMITS

Overarching comments

We strongly oppose the granting of permits to destroy protected animals, particularly for purposes such as preventing or mitigating damage to crops, stock, or other property. The concept of issuing permits for animals "likely to cause" damage or harm is deeply concerning, as it allows for animals to be destroyed without actual evidence of the issue. We believe that proof of actual harm should be required, rather than relying on speculative or uncertain future damage.

The bill presents a significant opportunity for South Australia to prioritise human-wildlife coexistence and promote measures that support the protection of native species rather than their destruction.

Permits to harm wildlife should only be granted in exceptional circumstances where no viable alternatives are available and the harm caused by the species is substantiated by credible evidence. The emphasis should be on resolving conflicts through non-lethal means and ensuring that native animals are given a chance to coexist with human activities wherever possible.

Native animals as pets

We note that the bill does not explicitly say that a permit may be required to keep native wildlife. However, a permit may be granted 'for any other purpose that the Minister considers proper and not inconsistent with the objects of the Act', and the explanatory guide suggests that keeping protected animals will be allowed.

We oppose the notion of native wildlife being kept as pets. Native species possess unique welfare needs, which can only be met in their natural habitats. Diet, social behaviour, and instincts are vital to their wellbeing, and keeping them in captivity as pets causes serious harm. Unlike domestic animals, native wildlife has not been selectively bred for companionable traits. Further, the commercial trade of wildlife is a significant driver of species endangerment the world over and should not be encouraged. As such, the practice of keeping wild animals as pets should not be permitted under the bill (i.e., the bill should expressly state that permits cannot be granted for this purpose). Such a prohibition would be consistent with the Australian Government policy against the commercial export of live native wildlife.

Prohibition on permits for critical habitat features

We do not support the allowance of permits to take native plants that are a critical habitat feature provided for under clause 148.

Prohibition of permits for threatened species

The bill should also expressly preclude the Minister from granting permits to kill animals of a threatened species for property protection or damage mitigation purposes. We note that a similar provision exists in Tasmania, where property protection permits cannot be obtained to kill threatened wildlife.

Opposition to commercial harvesting and recreational hunting

As noted above, we strongly oppose the commercial harvesting of protected animals under the bill.

We also oppose clause 150, which allows the Minister to grant permits to any person to hunt protected species, except in so far as it is by First Nations people for cultural or spiritual reasons.

Fees for permits

We support the introduction of fees for permit applications. Currently, there is no fee required when applying for a permit to destroy protected species, and we believe that introducing a fee would better reflect the importance of native species and help fund more sustainable wildlife management efforts.

Prescribed matters

We note that clause 145 proposes to defer the prescription of certain matters in relation to permits to the regulations (e.g. prescription of circumstances in which the Minister must not grant a permit, or the matters that must be taken into account in relation to the grant of, or the conditions to be attached to, particular kinds of permits).

We believe these important matters should be included in the primary Act rather than subordinate legislation.

In any event, we support the prescription of:

- different classes of permits;
- circumstances in which the Minister must not grant a permit;
- matters that must be taken into account in relation to the grant of, or the conditions to be attached to, particular kinds of permits; and
- conditions that must be attached to particular kinds of permits.

This would allow the assessment of permit applications and grant of permits to be tailored to the specific type of permit.

In relation to permits to destroy protected wildlife for property protection/damage mitigation purposes, the Minister should be required to consider whether the applicant has exhausted non-lethal management methods before applying for a permit, and precluded from granting a permit if the applicant has not demonstrated that they have exhausted non-lethal methods. The Minister should also be required to consider any likely ecological impacts (on target and

non-target species, as well as the environment more generally). A condition of such a licence should require a person to use a professional shooter (if they are shooting wildlife) or to pass shooter proficiency and species identification testing and should also require the permit holder to report on whether they have harmed or killed any non-target animals. There should also be a requirement to notify neighbouring properties of the grant of a permit and if/when the killing of native animals will be carried out under the permit, as often members of the public do not and cannot know whether people are killing animals legally or not. The bill should also require the Minister to consider the welfare of animals when determining to grant a permit and the bill should prescribe the methods that are allowed to kill animals ensuring that they are humane.

We also think the bill should set out the requirements for an application for a permit. In regards to an application to destroy a protected animal for property protection/damage mitigation, the applicant must be required to provide comprehensive evidence of the issue being said to be caused by the animal and that non-lethal alternatives have been exhausted.

We also note that there do not appear to be any time limits within which the Minister must make a decision in regards to a permit application, and it is unclear whether the Minister has the power to refuse to grant a permit—this should be clarified.

Minister's discretion

We support the Minister's ability to refuse to grant permits in specified circumstances (clause 146(5)). However, we strongly recommend removing any subjective elements from the decision-making process. A clear and transparent process around decision-making is strongly needed.

Penalties

We support the introduction of increased penalties. As noted above, consideration should be given to increasing penalties for harming an animal of a threatened species.

As an aside, subclause 149(3) seems to duplicate subclause 149(2).

Additional comments on other aspects of the bill

Interpretation

We have not had the opportunity to fully examine each of the definitions in Clause 3 within the time available, but we wish to highlight the following concerns:

- We do not support the exclusion of fish and amphibians (other than threatened fish and amphibians) from the definition of protected animals. This exclusion, coupled with the power for regulations to further exclude species from protection, is deeply concerning. Such flexibility could easily be exploited to reduce the number of species protected by this legislation, and we urge the removal of this provision to ensure that all species that should be protected remain within the definition of protected animals.
- We recommend removing "fertile" from the definition of "protected egg." Including the term "fertile" risks creating situations where individuals could argue they were unaware that an egg was fertile.

- Clause 3(2) specifies a 20-year timeframe for determining whether a stratum of native plants is "substantially intact." While this timeframe may be appropriate for forests, native grasslands can recover much more quickly.
- The bill currently appears to limit the application of the mitigation hierarchy to native plants alone. We believe the mitigation hierarchy should be applied universally across all biodiversity protection efforts and should not be limited to one category of species or habitats.

Operation of the Act

- Clause 6(5) grants the Governor the power to essentially "turn off" parts of the bill. This is an unnecessarily broad and potentially dangerous power, and we strongly recommend that it be removed from the bill.

General Duty

- We are concerned about the use of vague language in clause 11, specifically the phrase "all reasonable and practicable measures." This could be interpreted in ways that allow for insufficient action, particularly when the cost of measures is raised as a barrier.
- The bill does not provide sufficient detail on what constitutes "reasonable measures," leaving this to be defined in regulations or biodiversity policies, the latter of which could be difficult to enforce.
- It is unclear why the general duty is excluded from the proposed third-party civil enforcement provisions. This omission should be addressed to ensure that enforcement is possible and effective.

Significant Environmental Benefits

- It is disappointing that the bill retains and does not improve what is essentially an unquantified offsets scheme.

Enforcement

- We support the inclusion of clause 114, which allows third parties to remedy or restrain a breach of the Act. However, as noted above, we are concerned about the exclusion of third-party enforcement with respect to breaches of the general duty. We also consider that some procedural steps (e.g. requiring First Nations peoples and members of the general public to obtain the leave of the court and requiring a person to give written notice to the Minister) create unnecessary hurdles and barriers.

Certain Devices

- The bill should expressly restrict or prohibit the use of harmful methods to kill native animals such as 1080 poison, strychnine, and leg-hold traps. These cause extreme suffering to animals, and their use should be strictly regulated or banned. We urge that the use of poison and leg-hold traps be banned as part of a broader strategy to improve animal welfare.

Defences

- We do not support the defence in clause 132, which allows the destruction of animals that are in “dangerous proximity to any person.” While this language is an improvement from the existing NPW Act, it is vague and remains open to misuse.
- Similarly, we do not support the defence in clause 133, except in so far as it is by First Nations peoples for cultural or spiritual reasons. We consider that this could allow recreational hunting under the guise of property protection.

Thank you for the opportunity to provide feedback. We look forward to seeing these issues addressed in the final version of the bill.