

## Inquiry into the Animal Care and Protection Amendment Bill 2022

**Submission No:** 331  
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**Attachments:** No attachment

### Submitter Comments:

Dear Parliamentary Committee: Re. Animal Care and Protection Amendment Bill 2022 I am aware of proposed amendment: Division 6 Possession or use of prohibited nets 37B Possession or use of prohibited nets (1) A person must not possess a net prescribed by a regulation (a prohibited net) unless the person has a reasonable excuse. Maximum penalty—30 penalty units. (2) A person must not use a prohibited net unless the person has a reasonable excuse. Maximum penalty—100 penalty units. I would like to make the following recommendations, that: 1. A prohibited net for sale or use on fruit trees in the domestic environment (not commercial orchards holding an ABN for the growing and sale of fruit) is any net with apertures/weave over 5mm x 5mm pulled taut. 2. Nets with a Hailguard / Cross Weave configuration not be a prohibited net. I would also like to outline the following reasons for the recommendation. 1. In 2019 Victoria enacted wildlife safe netting regulations (Prevention of Cruelty to Animals Regulations 2019) that commenced on September 1, 2021. According to the coordinator of flying fox rescue with Wildlife Victoria, Tamsyn Hogarth, the regulations have, in nine months, already produced a significant drop in Grey-headed flying fox entanglement rescues of several hundred against what normally would have been expected at this time of year, "We are delighted with the reduced amount of injury and death of our loved bats (and birds) and the reduced workload on our stressed volunteer rescuers and wildlife rehabilitation shelters" (Pers Comm 27.5.22). 2. Safe fruit tree netting regulations (5mm x 5mm or less) are the easiest, most effective and zero-cost way for government to reduce the risk of ABLV – Australian Bat Lyssavirus – transmission to the public (and domestic pets). Once contracted ABLV is fatal. "Backyard" fruit tree netting entanglements are a main cause of accidental bat bite and scratch injuries. 3. The regulations target the highest area of flying fox death and injury i.e. in domestic backyard fruit tree netting. 4. The regulations (unlike "education" alone) prevent backsliding in the future by retailers and wholesalers of netting. They also capture dangerous online netting supply and sales. 5. The regulations are fair in that they involve only a small impost on the public - a \$20.00 discretionary decision, many do not net at all - and produces a great gain in wildlife/public safety, reduced animal cruelty and a gain in biodiversity. NB. Gardening Australia endorses wildlife safe netting (5mm x 5mm), Gardening Australia magazine, March 2022, p. 37) 6. Regulation allow flying foxes to continue their environmental work as a pollenating "umbrella" species in the creation and regeneration of forest. Hundreds of native tree species rely on mega-bats for pollination and seed dispersal. 7. The Grey-headed and Spectacled flying fox have declined by over 98% in the past century. We need strong practical action to save them. Wildlife safe netting regulations are a simple way to keep many alive and working in the environment. 8. Queensland`s regulations will save Victorian and New South Wales Grey headed Flying foxes as they migrate widely each year trending south in summer and north in winter. They are a single population that services forest and landscape in a way no other non-bat species can or does. By keeping landscapes vegetated and home to pollenating birds and insects flying foxes provide a valuable aid to commercial crops. 9. Fairness - Regulations recognize the valuable work that the largely female volunteer wildlife rescue services perform and that government uses and relies upon. It is unfair to all (especially the animal) to put six months of work into rehabilitating a flying fox in South Australia, Victoria, NSW (or Queensland) only to have it die in a net in a Queensland backyard that could just as easily been covered by a wildlife safe variety of netting. 10. Regulations recognize the growing community concern about wildlife conservation in the context of species decline and climate change. 11. Regulations reduce risk to volunteers by reducing road journeys and the number of high-ladder

wildlife rescues required each year. 12. Regulation meets little push back. There has been virtually no push-back from either industry or the community sector on the implementation of netting regulations in Victoria. All seem to understand the common sense nature of the advance and its benefits. 13. Regulation will also contribute to a standardized management approach across the states and enable concise evaluation and research to be undertaken. 14. Regulations address the biggest man-made "obstacle" killer of urban flying foxes (and native birds) in Australia.

15. Regulations recognize that when female flying foxes are lactating (breast feeding) her pup is left in the colony past the age of 1 month. Flying foxes cannot simply be cut out and released from a backyard fruit tree net. They must be kept for 18 days to monitor and treat for wing die-off caused by netting constriction or kidney failure. Because of netting entanglements each year hundreds of flying fox pups starve to death waiting for their mums to return to the colony in the morning. Regulation to wildlife safe netting (5mm x 5mm or less aperture) prevents most from happening.

16. Regulations speak to the "animal welfare is a top priority" claims of successive state governments. 17. Regulation enforcement may be undertaken by local government officers or wildlife officers. 18. Regulation speaks to the prevention of the extreme level of suffering endured by animals especially mammals (flying foxes) in the form of death by blood constriction, strangulation, thirst, exposure, stress (not being able to return to feed young), broken bones and predation of other species while trapped. They are also killed by householders by beating or other means. Thank you.