

Overview of licences to kill in Victoria



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Licensing Framework

In Victoria, the killing of native wildlife is primarily regulated by the *Wildlife Act 1975* (Vic) (**Wildlife Act**) and the *Wildlife Regulations 2013* (**Wildlife Regulations**).

Under the Wildlife Act, it is an offence to hunt,¹ take or destroy “threatened wildlife”² and “protected wildlife”³. In general, all native animals are either threatened or protected wildlife.⁴ However, a person can obtain an Authority to Control Wildlife (**ATCW**), which allows them to hunt, take, or destroy threatened or protected wildlife.⁵ In addition, there some native animals (e.g. dingoes) that have been declared “unprotected” in certain contexts where they can be killed without a permit.

ATCWs are used to regulate certain interactions between humans and native wildlife. Most relevantly, if a protected animal is damaging a person’s property (e.g. a building, vineyard, orchard, crop, tree, pasture), the Secretary of the Department of Energy, Environment and Climate Action (**DEECA**) may issue a person an ATCW to hunt, take, destroy, or disturb that animal.⁶

In theory, an ATCW could be issued to control any native animal (including an animal that is of a threatened species). However, the DEECA indicates that it will not issue an ATCW for lethal control of threatened species for damage mitigation purposes.⁷

The ATCW licensing regime was reviewed in 2017/2018 and the Victorian Government has made some changes to system as a result. Most of these relate to streamlining the application process and shortening assessment and decision times, although the Victorian Government has said that it has also established

a risk-based framework for deciding when inspections are required in the assessment of ATCW applications (amongst other things).⁸ The Wildlife Act was not amended as part of this process, however the Victorian Government committed to reviewing the Act in 2021. The first stage of that review was led by an independent expert panel who delivered a report to the Environment Minister in December 2021. The Government committed to publishing, and providing a public response to, the panel's report, but that is yet to occur.⁹

Exceptions to the requirement to hold an ATCW

A person will not require an ATCW:

- to manage eastern or western grey kangaroos on their property, but only if they are using an authorised harvester as part of the Kangaroo Harvesting Program (and their property therefore falls within a relevant 'harvest zone'). In these cases, the person killing kangaroos will still require permission under the Wildlife Act.¹⁰
- if a species of wildlife has been declared "unprotected".¹¹

One native animal that is "unprotected" is the dingo.

The dingo is listed as a threatened species under Victoria's Flora and Fauna Guarantee Act 1998 and is protected under the Wildlife Act. However, because dingoes have been "unprotected" in certain areas of Victoria, a person will not require an ATCW to hunt, take, destroy, or disturb a dingo in those areas.¹² The current declaration (known as a 'Order in Council') applies until 1 January 2028. A person may shoot, poison or trap dingoes in these areas.¹³

Sulphur-crested cockatoos, long-billed corellas and galahs were also declared unprotected in 1996¹⁴ and it appears this order is still in force,¹⁵ which is highly concerning given it almost thirty years old.

The relevant provision in the Wildlife Act (section 7A), which provides the mechanism to unprotect wildlife, does not contain any criteria that limits or guides the making of such an order, other than it 'appears' to the Minister that the wildlife is causing injury or damage to property, crops, or other animals. The Minister may recommend an order is made at any time and there is no requirement for consultation. There is also no requirement for such orders to be informed by scientific evidence.

Methods used to take wildlife

The Wildlife Act does not specifically address which lethal methods may be used by a holder of an ATCW, although it prohibits the use of poison and some other methods (e.g. 'punt guns') to kill wildlife.¹⁶

Based on the information on the Victorian Government's website, it appears shooting is the most commonly permitted method to kill native animals under an ATCW. However, gas also appears to be used in some circumstances.

If a person is shooting wildlife under an ATCW, they are not required to pass a shooter proficiency/species identification test under the Wildlife Act/Wildlife Regulations,¹⁷ but the DEECA recommends they undertake firearm competency training.¹⁸ They must also comply with the *Firearms Act 1996*.¹⁹ The use of professional shooters is not explicitly encouraged (although the DEECA says that private landholders can engage authorised harvesters to kill kangaroos on their property if they live in a commercial harvest zone).

Concerningly, the *Prevention of Cruelty to Animals Act 1986* (**POCTA Act**) does not apply to anything done in accordance with the Wildlife Act.²⁰ This means:

- a holder of an ATCW does not have to comply with the POCTA Act, so long as they comply with the Wildlife Act, Wildlife Regulations, and any conditions etc of an ATCW.
- if a person wants to kill an animal that has been "unprotected" under the Wildlife Act, they are also not required to comply with the POCTA Act.

Numbers of native animals licensed to be killed in VIC

The Victorian Government does not maintain a public register of ATCWs, but does publish some, limited information on its ATCWs website. This includes how many ATCWs have been issued, for what species, and whether the method of take was lethal or non-lethal.

The Wildlife Act does not require landholders to report on how many animals have been killed, so this information is not available on the ATCW website and could not be provided on request.

To provide a snapshot, in 2023, approximately 119,501 native animals were authorised to be killed in Victoria by private landholders under ATCWs. This included:

- **83,056 macropods**, including eastern grey kangaroos, western grey kangaroos, red kangaroos, black wallabies and red-necked wallabies.
- **34,118 birds**, including silver gulls, maned ducks, Australian ravens, long-billed corellas, pacific black ducks, rainbow lorikeets, and little corellas.
- **1,902 wombats**.
- **405 brushtail possums**.
- **20 ringtail possums**.

As noted above, because the Wildlife Act does not require landholders to report back on how many animals have taken under the relevant ATCW, the actual number of animals killed (or at least reported to have been killed) is unknown. Without permits, it is also unknown how many unprotected animals (e.g. dingoes) are killed.



Application, assessment & enforcement

Applications

An application for an ATCW must be made to the Secretary of DEECA in the approved form.²¹ The applicant must provide any information required by the Secretary to accompany the application and pay the prescribed fee (if any).²² At present, there are no fees associated with ATCWs.²³

Unlike other jurisdictions, if someone other than the applicant will be carrying out the control of wildlife (in addition to or instead of the applicant), they do not need to be listed on the application form; only the applicant's details need to be provided.

The Victorian Government has a website which sets out information about wildlife management and control authorisations.²⁴ On this page, a person may click on a button to apply for an ATCW.²⁵ There is also an option to download and submit a hard copy application. The website provides some guidance on applying for an ATCW, which links to a separate, more detailed website about the application process.²⁶ A factsheet providing guidance on the assessment process is also available to download.

The wildlife management website houses fact sheets on wildlife management methods for common wildlife species in Victoria (e.g. kangaroos, possums, wombats), which include fairly comprehensive information about non-lethal methods to control the subject species. In a Frequently Asked Questions section, it also states that *'land managers must exhaust all practical non-lethal control options before applying for an ATCW for lethal control, which is a last resort'*.

The Victorian Government also has a "Living with Wildlife" Action Plan, which is on the DEECA's website. Amongst other things, the Action Plan states that *"where wildlife is causing damage to property or biodiversity, non-lethal management methods, such as exclusion, deterrence or scaring, should be considered first. However, there are times when non-lethal management methods may not be practical or feasible."* The Action Plan encourages a 'positive attitude towards wildlife'.

Despite this, there is no legal obligation (i.e. in the Wildlife Act) to try non-lethal methods of control before applying for an ATCW (although the application form does ask a person to provide information about the "attempts made to reduce impact").

Assessment

The Secretary of DEECA may issue an ATCW for a number of reasons. Relevantly, the Secretary may issue an ATCW to hunt, take, destroy²⁷ or disturb²⁸ wildlife if they are satisfied that wildlife is damaging any building, vineyard, orchard, crop, tree, pasture, habitat, or other property owned, occupied or administered by the person to whom the ATCW will be issued.²⁹

There is no other criteria which the Secretary must consider when deciding to issue an ATCW (for property 'damage' purposes). The 'wildlife management and control authorisations' website says that the Conservation Regulator (who has been delegated the Secretary's power to decide applications) undertakes a rigorous assessment of all ATCW applications to ensure that they meet the requirements of the Wildlife Act. However, there is very little criteria in the Wildlife Act which guides the making of an application for, or the decision-making process for the issuing of, an ATCW.

The website goes on to state that:

- the application will be assessed by a Forest and Wildlife Officer who may contact the applicant to organise a time to inspect the relevant property to confirm wildlife issues, including any damage caused and any steps that have been taken to try to manage the issue.
- the Conservation Regulator will assess what is practical on a case-by-case basis, considering what is achievable for individual landholders. These include, but are not limited to:
 - the wildlife impact to the landholder;

- the impact on wildlife, including animal welfare and potential population impacts;
 - the extent to which non-lethal control methods have been undertaken and their effectiveness;
 - the impact of the proposed control, including on non-target species, local environmental values and neighbours;
 - timing of the control (particularly in relation to non-lethal control options);
 - other management options being undertaken in the area that might impact the local wildlife population.
- in considering an application, the Conservation Regulator needs to be assured that there has been adequate assessment of the management options available and that any authorised control is consistent with the requirements of the Wildlife Act. In some cases, the Conservation Regulator may seek independent expert advice or require the property owner/manager to submit a Wildlife Management Plan to support the application.

However, this “criteria” is not set out in the Wildlife Act or the Wildlife Regulations, which means the Conservation Regulator (or the Secretary) is not legally bound to follow these steps, or consider these matters, when assessing an application for an ATCW.³⁰ Notably, there is no express requirement (i.e., in the Wildlife Act) for the Conservation Regulator/Secretary to consider whether a landholder has trialled non-lethal methods of control. It is also not clear how the Conservation Regulator balances the above “criteria” and determines certain matters (e.g. what is “practical”, what level of damage is considered sufficient to warrant the grant of an ATCW, or what constitutes ‘damage’).

While the Victorian Government says it has introduced improved guidance for staff undertaking assessments and has established a risk-based framework for deciding when inspections are required in the assessment of applications,³¹ this framework is not publicly available, and it is unclear whether site inspections do occur in practice and in what circumstances they are carried out. The Victorian Government also says that it seeks advice from an Independent Panel of Experts when appropriate to inform assessments of ATCW applications and that, in response to the review of the ATCW system, this process now has clearer guidelines about the process and triggers for using the panel.³² However, because this process is not prescribed by the Wildlife Act, and the guidelines and process are not otherwise publicly available, it is unclear whether and how this occurs in practice.

Concerningly, while there is a requirement for a holder of a game hunting licence to be a ‘fit and proper person’ there is no such requirement for the applicant/holder of an ATCW.



Approval/Post-Approval

An ATCW is subject to any conditions, limitations, or restrictions that the Secretary may place on it.³³

If any conditions, limitations, or restrictions have been placed, a person must comply with them.³⁴

The Victorian Government does not have a publicly available set of “standard” conditions that are ordinarily imposed on an ATCW (like in NSW for example). The kinds of conditions that are usually attached to an ATCW are therefore unknown, except for the one condition that is prescribed by the Wildlife Act. Section 28A(3) provides that an ATCW is subject to the condition that the holder of the ATCW must allow an authorised officer to inspect any dwelling house that is specified on the ATCW, for the purpose of monitoring compliance with the Wildlife Act, the Wildlife Regulations and/or the conditions of the ATCW.³⁵

The Victorian Government’s ‘management and authorisations’ website says that *“all ATCWs include strict conditions to ensure that animals are controlled humanely. It is the responsibility of the landowner or manager, or anyone acting on their behalf, to comply with the conditions.”*³⁶ While an authorised officer may inspect a premises for the purpose of monitoring compliance with the Wildlife Act, there may, nevertheless, be difficulties with holding to account a person who is acting under, but is not listed on, the ATCW. That is, if a person’s identity is unknown, how can they be compelled to comply with the law? The Victorian Government says that the review of the ATCW system considered re-introducing the requirement to list all people that would be involved with undertaking the control of wildlife on ATCWs but that this action was not supported because:³⁷

- anyone undertaking control activities permitted under an ATCW is bound by its conditions so there is no necessity for them to be specifically listed.
- often applicants have not decided who will undertake the control at the time of applying for an ATCW. As ATCWs are not able to be amended under the Wildlife Act, adding additional parties after the issuing would require the authority to be reissued. This would increase the burden for little benefit.

Unlike other jurisdictions (e.g. South Australia), there are no codes of practice, which a person must comply with as a condition of an ATCW.³⁸

An ATCW can be issued for a maximum period of three years (but may be renewed).³⁹

If an application for an ATCW is refused (or an ATCW is suspended or cancelled), the applicant may apply to the Victorian Civil and Administrative Tribunal for a review of the decision.⁴⁰

A holder of an ATCW is not required to keep records or submit returns to the DEECA.⁴¹ It is assumed that this also applies to non-target animals (i.e., an ATCW-holder does not have to report if non-target animals have been killed or harmed).

It is acknowledged that the Victorian Government publishes annual information about how many ATCWs are issued, for what species and how many animals are permitted to be killed under those ATCWs. However, because ATCW holders are not required to report how many animals have been killed under the ATCW, and there is limited compliance oversight, it is not known whether ATCW holders are killing more animals than they are permitted to under an ATCW. In addition, and because ATCWs are not required to kill unprotected species, it is also not known how many native animals are actually killed in total in Victoria every year.

Due to this lack of transparency and oversight, it is impossible to know the true nature and extent of wildlife control activity in Victoria.

Enforcement

The Secretary of DEECA may suspend⁴² or cancel⁴³ an ATCW if they are satisfied there are reasonable grounds to do so. The Secretary must allow the holder of the ATCW to make written submissions in respect of the Secretary's decision.⁴⁴ The Court may also cancel or suspend an ATCW if the person holding the ATCW is convicted of an offence under the Wildlife Act or the Wildlife Regulations.⁴⁵

It is not clear how, in practice, the DEECA ensures that ATCW-holders are complying with the conditions of their ATCWs (or that people are not taking wildlife without an ATCW). However, there are enforcement powers in the Wildlife Act that can be used for such purposes.⁴⁶

The government's 'management and authorisations' website states that the Conservation Regulator undertakes proactive compliance activities to ensure permit holder comply with the conditions of their licence, however it is known whether and how (and to what extent) these activities are carried out in practice.

It is also unclear when, how often and what type of enforcement activities are carried out. The DEECA does not publish any information about their monitoring of compliance or enforcement action.

There are also no third-party civil enforcement provisions in the Wildlife Act, which means it is not clear whether third parties could enforce breaches of the Wildlife Act and any instruments made under it (e.g. 'unprotection' orders).⁴⁷

► See page 10 for Victoria's performance against the governance criteria.⁴⁸



Recommendations for reform in Victoria

HSI Australia supports wildlife coexistence and urges the Victorian Government to reconsider its approach to managing perceived conflicts between private landholders and native animals.

To this end, our overarching recommendation is that the Victorian Government provides increased resourcing to the DEECA to fund trials of non-lethal methods for managing wildlife, and provide training, capacity building, and workshops for DEECA employees and landholders on wildlife coexistence.

However, while we oppose ATCWs, we make the following recommendations to ensure a more robust, transparent, and accountable system that prioritises non-lethal strategies, tolerance, and human-wildlife co-existence.

► Amend the Wildlife Act to:

- recognise animal sentience.⁴⁹
- expressly require any person to comply with the POCTA Act (or the new Animal Care and Protection Act).
- repeal section 7A and therefore the mechanism to declare protected wildlife to be “unprotected” (and revoke the Order in Council for Dingo and any other species);
- prohibit the grant of an ATCW to take threatened wildlife (and the making of an Order in Council in respect of threatened wildlife).
- prescribe additional criteria (i.e., mandatory relevant considerations) that the Secretary (or Conservation Regulator) must take into account when considering whether to grant an ATCW. The Secretary/Conservation Regulator should be required to consider whether the applicant has exhausted non-lethal management methods before applying for an ATCW to kill native animals, and precluded from granting an ATCW if the applicant has not demonstrated that they have exhausted non-lethal methods. The Secretary (or Conservation Regulator) should also be required to consider any likely ecological impacts (on both target and non-target species, as well as the environment as a whole) of an ATCW.
- require an applicant to provide comprehensive evidence of the issue/damage being said to be caused by the animal. Also define the word ‘damage’ and introduce the minimum damage threshold that was discussed in the 2017/18 review of the ATCW system.
- require a holder of an ATCW to submit returns, which includes information about how many animals, and what species, have been killed under the ATCW, including by what methods they have been killed. This reporting should be required within 1-2 weeks of the maximum kill limit being reached, or every 6 months (whichever is sooner). There should also be a requirement to report, within 24 hours, any non-target animals have been harmed or killed.
- require the use of professional shooters and/or require a person to pass a shooter proficiency test (as was discussed in the 2017/18 review of the ATCW system), as well as a species identification test.
- reduce the term of an ATCW from three years to 12 months.
- introduce a fit and proper person test for ATCW applicants/holders.
- require the DEECA or the holder of an ATCW to notify neighbouring properties of the grant of an ATCW and if/when native animals are going to be killed under the ATCW and by which methods.

Recommendations

- introduce third party appeal and civil enforcement rights so that any person may challenge the grant of an ATCW, or remedy or restrain a breach of the Wildlife Act.

► Amend the Animals Regulation to:

- prohibit a person from applying for an ATCW unless they have tried to manage the wildlife by using non-lethal methods and require they demonstrate same in the application process;
- require the applicant for an ATCW to list on the application form any person that will be involved with undertaking the control of native wildlife on the subject premises (as was discussed in the 2017/18 review of the ATCW system)
- prescribe a fee for the application for an ATCW.

► The use of poison like 1080 and leg-hold traps should be prohibited for use on all animals, including the dingo while the “unprotection order” remains in force.

► Increase resourcing for the DEW to:

- fund trials of non-lethal methods for managing wildlife
 - provide training, capacity building and workshops for DEECA employees and landholders to promote wildlife coexistence, as well as subsidies to trial non-lethal management methods.
 - conduct site inspections during the permit application process to verify the need for an ATCW, and after ATCWs have been granted.
 - carry out compliance and enforcement activities.
 - carry out robust monitoring and reporting of animal populations (and to make population management plans that are publicly available).
- Ensure all information relevant to living with wildlife and ATCWs is in one, central location, and that wildlife coexistence information is readily available and accessible (it should be made available to a person before they can find out any information about an ATCWs, and should again be available at the time of applying for an ATCW).
- Develop codes of practice with input from animal welfare specialists and are underpinned by contemporary science on animal welfare). These codes should be publicly available and reviewed on a regular basis.
- Maintain a register of ATCWs and publish information on how many native animals are killed under ATCWs on an annual basis, including by what methods.
- Publicly report on monitoring of compliance and enforcement activities, including any investigations into illegal killing and where ATCWs have been breached, suspended or cancelled.
- The exemptions in the POCTA Act (or the new Animal Care and Protection Act) should be removed so that any person acting under the Wildlife Act must also comply with the POCTA Act (or the Animal Care and Protection Act once in force).
- The Victorian Government must also, as a matter of urgency, finalise the review of the Wildlife Act and progress the promised reforms.

Performance of Victoria against governance criteria

Category	Criteria	Status under current law/policy	Result
Animal welfare	Use of professional shooters	Not mentioned⁵⁰	
	Shooter competency testing	Not required under the Wildlife Act/Wildlife Regulations. However, the DEECA recommends firearm competency training	
	Animal welfare laws apply	- No, so long as a holder of an ATCW complies with the Wildlife Act/Wildlife Regulations and any conditions of the ATCW - The POCTA Act does not apply to unprotected wildlife	
	Licence holder to be fit and proper person	No test	
Prioritise human/wildlife coexistence	Law requires applicants to demonstrate, and decision-maker to consider, wildlife coexistence efforts	There is no legal requirement for applicants to trial non-lethal methods before applying for a permit. However, guidance provided by the DEECA says that non-lethal methods must have been exhausted before an ATCW will be granted and an ATCW is a “last resort”. Similarly, the Secretary is not required by law to consider whether the applicant has/has not trialled non-lethal methods, but the DEECA state that this is a factor that will be considered.	
	‘Living with wildlife’/ non-lethal control policy and guidance	The DEECA have a “Living with Wildlife” Action Plan which encourages a positive attitude toward wildlife. The DEECA’s website houses fact sheets on wildlife management methods for four common wildlife in Victoria (e.g. kangaroos, possums, wombats, birds), which include guidance on using various non-lethal methods.	
	Landholder capacity building/training on non-lethal methods	Not available⁵¹	
Landholder justification for the use of lethal control	Proof of damage/ issues caused by wildlife	Not explicitly required by legislation, but the application form requires an applicant to specify the impacts caused by wildlife by ticking boxes and providing additional detail. Although seemingly not required to provide proof of same, the guidance on DEECA’s website says that inspections may be organised to confirm issues, damage and steps that have been taken to manage the issue	
Licences	Identification of all persons acting under the licence	Not required	
	Reporting requirements	No mandatory reporting	
	Report non-target animals harmed	No reporting appears to be required	
	Licence lengths	Maximum of three years	

Transparency	Government maintains public register/publishes licence data, including number of animals reported killed	The Victorian Government publishes annual information about how many ATCWs are issued, including for what species and how many animals are permitted to be killed under those ATCWs. However, the number of animals killed under ATCWs is not published because this information is not required to be reported on	
	Public reporting of compliance and enforcement activity	No	
Responsibility for conservation	Obtain licence to kill threatened species	In theory yes, however, the Victorian Government advises that ATCWs will not be granted to kill threatened species for damage mitigation purposes	
	Population Management Plans (PMPs) and non-commercial quotas for species	These do not appear to exist (except for macropods killed for commercial purposes), although quotas/maximum limits are placed on individual ATCWs.	
	Unprotected native species	- Generally do not need an ATCW to kill: - dingoes in certain areas; - sulphur crested cockatoos, long-billed corellas and galas in certain areas	
	Decision-maker considers environmental impacts	Not required by the Wildlife Act/Wildlife Regulations, however, the DEECA website says that environmental-related impacts (e.g. potential population impacts, impacts on non-target species, impacts on environmental values) will be considered	
Enforcement	Community empowered to enforce breaches of a licence or legislation	No third-party civil enforcement provisions in the Wildlife Act	

Key



Controls that should be in place if killing of wildlife by private landholders is allowed.



Some controls in place but improvement required.



Controls not in place and significant improvement required.

Endnotes

- ¹ As per section 3, 'hunt' includes pursue, trail, stalk, search for or drive out an animal. We note that 'take' and 'destroy' are not defined in the Wildlife Act. They are therefore given their ordinary or natural meaning.
- ² See sections 41(1) for the offence provisions, and section 3 for the definition of 'threatened wildlife'.
- ³ See section 43(1) for the offence provision, and section 3 for the definition of 'protected wildlife'. 'Protected wildlife' means all wildlife other than those which have been declared either a pest animal under the *Catchment and Land Protection Act 1994* (Vic), or 'unprotected'.
- ⁴ See also definition of 'wildlife' in section 3.
- ⁵ See sections 41(2) and 43(2) for the general exception to the offence provision. ATCWs are one kind of 'authorisation' that may be issued under the Wildlife Act.
- ⁶ Wildlife Act, sections 28A.
- ⁷ See <https://www.vic.gov.au/authorities-control-wildlife-2022>.
- ⁸ See <https://www.vic.gov.au/reforming-victorias-authority-control-wildlife-system> for a summary of the changes made to the ATCW system to date.
- ⁹ As at the date of this report.
- ¹⁰ Wildlife Act, section 28(1AB). See also the Victorian [Kangaroo Harvest Management Plan](#) (p.5) for an explanation of the administrative arrangements. NB: The commercial harvest arrangements are designed to be complementary to the ATCW system that allows landholders to undertake kangaroo control for damage mitigation purposes.
- ¹¹ See section 7A which allows for wildlife to be declared unprotected. If a species/animal is declared to be "unprotected", an authorisation will not be required to hunt/take/destroy/disturb that animal because it will not be protected for the purposes of the Wildlife Act (see definition of "protected wildlife" in section 3 and section 7A(4) which provides that the killing or taking of wildlife in accordance with the provisions of an Order declared pursuant to section 7A shall not constitute an offence under the Wildlife Act).
- ¹² As per the current Order in Council the specified area is private land in eastern and northeastern Victoria, and public land (e.g. national parks) within three kilometres of the identified private land boundaries - see Order in Council published Government Gazette S509 on 24 September 2024 available at: <https://www.gazette.vic.gov.au/gazette/Gazettes2024/GG2024S509.pdf#page=1>. In March 2024, the Victorian Government protected dingoes in northwestern Victoria because the population there is at risk of extinction. As a result, a person will require an ATCW to kill dingoes in northwestern Victoria.
- ¹³ See section 54(2) of the Wildlife Act re poison, and clauses 34 and 36 of the POCTA Act re traps.
- ¹⁴ See page 1704 of *Victorian Government Gazette No 26* (4 July 1996) available at: <https://gazette.slv.vic.gov.au/images/1996/VV/general/26.pdf>.
- ¹⁵ See factsheet for cockatoos and corellas available at: <https://www.vic.gov.au/wildlife-management-and-control-authorisations>.
- ¹⁶ Wildlife Act, section 54 (poison). See also sections 53 (prohibited equipment), 55 (bird-lime) and 56 (punt guns).
- ¹⁷ The review of the ATCW system sought feedback on whether shooter proficiency training and testing should be a requirement for those seeking an ATCW. The Victorian Government has said that this requirement will not be introduced for a number of reasons, including because training and testing carries a significant cost to the applicant, inhumane control of wildlife caused by poor shooter accuracy has not been proven by the Conservation Regulator when undertaking compliance activity, and other Australian states and territories do not require proficiency training and testing for their equivalent to an ATCW – see: <https://www.vic.gov.au/reforming-victorias-authority-control-wildlife-system>.
- ¹⁸ See: <https://www.vic.gov.au/authority-control-wildlife-atcw-application-form-guide/once-you-have-your-atcw>.
- ¹⁹ Nb: A person may be required to undertake certain training under the Firearms Act to hold a firearm.
- ²⁰ POCTA Act, section 6(1B), except Part 3 of the POCTA Act (scientific procedures) which still applies.
- ²¹ Wildlife Regulations, clause 24(b).
- ²² Wildlife Act, section 28A(4).

²³ The introduction of a fee for ATCWs was suggested in the review of the system. The Victorian Government said that, because this would require amendments to the Wildlife Act, it has provided the feedback to the independent expert panel reviewing the Wildlife Act for their consideration.

²⁴ See <https://www.vic.gov.au/wildlife-management-and-control-authorisations>.

²⁵ The creation of an online application process was one of the ‘improvements’ delivered by the Victorian Government as a result of the review of the ATCW licensing system.

²⁶ See <https://www.vic.gov.au/authority-control-wildlife-atcw-application-form-guide>.

²⁷ See section 28A(1)(a) of the Wildlife Act.

²⁸ See section 28A(1A)(ab).

²⁹ Wildlife Act, section 28A(1)(c).

³⁰ The review process explored the potential to introduce a minimum threshold for damage to property, crops or pasture before an ATCW will be issued. It also explored the potential introduction of a ‘damage estimate calculator’ for use in the ATCW process. However, the Victorian Government decided that such actions would not be introduced, including because damage thresholds and calculators would be complex, adding burden to applicants and potentially increasing assessment timeframes. The Victorian Government said that the additional burden and time required may lead potential applicants to undertake lethal control without an approval, and that minimum damage thresholds may disadvantage urban or small property owners (see <https://www.vic.gov.au/reforming-victorias-authority-control-wildlife-system>).

³¹ This was another change implemented by the Victorian Government in response to the review of the ATCW licensing system (see: <https://www.vic.gov.au/reforming-victorias-authority-control-wildlife-system>).

³² See <https://www.vic.gov.au/reforming-victorias-authority-control-wildlife-system>.

³³ Wildlife Act, section 28A(2).

³⁴ Wildlife Act, section 28(B). The penalty for breaching this section is 50 penalty units (currently).

³⁵ Wildlife Act, section 28A(3).

³⁶ See <https://www.vic.gov.au/wildlife-management-and-control-authorisations>.

³⁷ See <https://www.vic.gov.au/reforming-victorias-authority-control-wildlife-system>.

³⁸ The DEECA recommends that a person read the *National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Non-Commercial Purposes* before shooting kangaroos and provides a link to the Commonwealth Department of Environment’s website.

³⁹ Wildlife Act, section 28C. Note the DEECA says an ATCW is not renewable, but section 28C(2) specifically says that an “authorisation may be renewed”.

⁴⁰ Wildlife Act, section 86C.

⁴¹ See Part 2, Division 3 of the Wildlife Regulations which only applies to ‘wildlife licences’.

⁴² Wildlife Act, section 28D(1).

⁴³ Wildlife Act, section 28F(1).

⁴⁴ Wildlife Act, sections 28E(1) (suspension) and 28F(2) (cancellation).

⁴⁵ Wildlife Act, section 70.

⁴⁶ See, generally, Part VIII – enforcement and legal proceedings. As part of the review of the ATCW system, it was suggested there be an increase in the number and range of sanctions that are available to the Conservation Regulator Authorised Officers. However, because such changes would require amendments to the Wildlife Act, they were not implemented but the Victorian Government said the feedback was provided to the independent expert panel undertaking the review of the Wildlife Act for their consideration.

⁴⁷ The Victorian Government said the review of the ATCW system explored the potential introduction of third-party appeal rights to issued ATCWs, but such changes would require amendments to the Wildlife Act, so the suggestions were instead provided to the independent expert panel undertaking the review of the Wildlife Act.

⁴⁸ Humane Society International Australia developed a set of governance criteria for the *Licence to Kill* report to assess each jurisdiction’s licensing framework. The governance criteria can be found on pages 27-29 of the *Licence to Kill* report.

⁴⁹ We note that the Victorian Government is proposing to recognise this in the proposed Animal Care and Protection Bill.

⁵⁰ The DEECA advises private landholders that they can engage authorised harvesters to lethally manage kangaroos on their property if they live in a commercial harvest zone, but the use of professional shooters is not encouraged per se.

⁵¹ NB: Assistance with the ATCW application process is available.

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