

WILDLIFE VICTORIA

Inquiry into wildlife roadstrike in Victoria

Wildlife Victoria
submission



2025

About Wildlife Victoria

Summary

Wildlife Victoria is a charity that has provided Victoria with a statewide wildlife emergency response service since 1989. The organisation's staffing consists of a head office, centralised 24/7 phone based and online Emergency Response Service and in field wildlife veterinarians and veterinary nurses, together with a statewide network of over 1,200 trained wildlife rescue volunteers and wildlife rehabilitators.

Wildlife Victoria provides its services at no cost to the public and is an ACNC registered charity governed by a Board of Directors. Wildlife Victoria receives 7% of its annual operating costs via a Victorian State Government grant and is accordingly reliant on donations for the public service it provides. In addition to its wildlife operational response, through education and advocacy programs Wildlife Victoria helps wildlife by providing people with the knowledge and skills they need for a peaceful and positive co-existence with wildlife and facilitating positive community attitudes toward wildlife.

In 2024, Wildlife Victoria responded to over 160,000 calls for help from the public for sick, injured and orphaned wildlife and assisted over 97,000 native mammals, birds and reptiles across more than 450 species. Wildlife Victoria is experiencing a consistent year on year increase in demand for services with the primary demand drivers being climate change, habitat destruction and urbanisation – all adversely impacting our wildlife. Since 2020 Wildlife Victoria has experienced a 186% increase in annual call volume putting significant pressure on the charity. In calendar year 2025 to date calls for assistance for sick, injured and orphaned wildlife from the public average over 460 calls per day.

Wildlife Victoria operates its emergency response service through an integrated technology platform and maintains a comprehensive database of wildlife incidents. Wildlife Victoria's database is the only centralised and statewide source of detailed multiyear data on wildlife rescue for Victoria. Wildlife Victoria's volunteers also have access to a WildNet portal to record and log wildlife incidents they may attend to outside the Wildlife Victoria system which are collated into the overall data set.

Wildlife Victoria and wildlife roadstrike

Wildlife hit by vehicles is one of the key reasons for calls for assistance for wildlife to Wildlife Victoria. Wildlife roadstrike cases have increased by 288% across the last 10 years, with a persistent and ongoing increasing trend across the last 5 years.

Wildlife roadstrike is considered a serious and urgent issue by Wildlife Victoria, leading to the commencement of its Wildlife Road Toll Reduction Program in June 2023, incorporating the development of a Wildlife Road Toll Reduction Toolkit, engagement with local governments and the appointment of a dedicated Program Manager on staff to lead the program.

Wildlife Victoria welcomes the Parliamentary Inquiry into Wildlife Roadstrike.

Contents

Recommendations	4
Overview	6
Terms of Reference	14
1. The scope, application, and enforcement of relevant legislation and regulatory frameworks, and their ability to monitor wildlife road strike, promote driver education and raise public awareness	14
2. The involvement, training and expenditure of paid and volunteer rescue and rehabilitative organisations and individuals in attending to, and managing, road strike incidents	19
3. New and emerging technologies and infrastructure used to prevent road strikes	24
4. The impact of road strike on Victorian motorists, including major trauma incidents and motor vehicle damage	26
5. The impact of development and infrastructure on incidents of wildlife road strike	27
6. International best practice standards to decrease wildlife road strike	28
7. Current methods of collating data on wildlife road strike and its effectiveness	32
Conclusion	36
Acknowledgements.....	37
Appendix	39

Recommendations

1. **Introduce a legislated, statewide framework** for wildlife rescue, treatment and rehabilitation to ensure coordination, consistency, and public clarity across Victoria.
2. **Establish a funding model** (such as a \$2 levy on annual vehicle registrations) to support the operational response to wildlife spanning rescue and response, treatment and care of wildlife impacted by roadstrike as handled by all actors in the value chain of response.
3. **Release the Independent Panel's report** into the review of the *Wildlife Act 1975* and the Government's response.
4. **Incorporate and mandate wildlife considerations and protections into urban development and road infrastructure** from the inception of planning

The scope, application, and enforcement of relevant legislation and regulatory frameworks, and their ability to monitor wildlife road strike, promote driver education and raise public awareness

1. **Introduce nationally consistent legislation** that explicitly requires drivers to report and render assistance following wildlife collisions, including mandatory notification to an authorised wildlife rescue organisation.

Volunteer and Professional Involvement in Roadstrike Response

1. **Establish a publicly funded, centrally coordinated Wildlife Emergency Response Framework** that formally integrates and supports professional and volunteer responders, including veterinarians, darters, and wildlife carers, through sustainable funding, standardised training, mental health support, and statewide coordination to eliminate duplication, improve animal welfare outcomes, and ensure safety and accountability. Leverage and expand on Wildlife Victoria's infrastructure for operational response.

New and existing technologies and infrastructure

1. **Fund a statewide rollout of Wildlife Victoria's Wildlife Road Toll Reduction Program**, including pilot implementation of mitigants such as AI-detection technologies and smart signage in high-risk LGAs such as Macedon Ranges and Hume.
2. **Embed wildlife roadstrike mitigation into regional road planning and major infrastructure projects**, with Wildlife Victoria established as a lead implementation partner leveraging its data, expertise, and operational networks.

Impact on motorists

1. Implement targeted roadside reduction measures such as enhanced wildlife warning signage, improved driver education campaigns, and the installation of wildlife detection and alert systems in high-risk areas.

Impact of development and infrastructure

1. Integrate targeted wildlife crossings and speed reduction measures, and other mitigants, into infrastructure planning in identified high-risk areas.

International best practice

1. **Mandate the inclusion of wildlife mitigation measures** such as wildlife crossings, fencing, and driver education on wildlife hazards, in all new and upgraded road infrastructure projects nationwide.

Data collection

1. **Properly utilise the existing infrastructure in place at Wildlife Victoria to create a centralised, state-wide wildlife roadstrike data reporting system** that mandates standardised input of data across all rescue groups, rehabilitators, and relevant authorities to improve data accuracy, coordination, and decision-making across operational response.
2. **Implement a targeted public awareness campaign** to increase the reporting of wildlife roadstrike incidents by educating the public and promoting accessible, non-app-based reporting methods.

Other matters: Public confusion

1. **Establish a centralised, government-recognised national framework for wildlife rescue and rehabilitation** with a single point of contact, streamlined operations, and consistent standards to reduce public confusion and improve service delivery. Mandate and invest in Wildlife Victoria's systems and infrastructure and legislatively mandate its operations in Victoria.



Figure 1: Deceased swamp wallaby hit by car marked to show that it has been pouch checked.

Overview

The key operational activities associated with response to wildlife roadstrike are:

- Wildlife rescue and response
- Veterinary triage and treatment
- Wildlife rehabilitation

Wildlife rescue and response

Wildlife Victoria is the only statewide, round the clock and professional coordinator of day-to-day wildlife rescue in Victoria and provides this public service free of charge. Wildlife Victoria has a statewide network of over 1,200 wildlife rescue volunteers that are supported by a small team of human resources and administrative staff. Wildlife Victoria incurs significant financial costs for management of wildlife rescue across the State.

Wildlife Victoria volunteers are fully trained, covered by comprehensive insurance, undertake police checks at onboarding, provided with 24/7 mental health and wellbeing support via a comprehensive EAP including physical safety tracking, and must comply with a code of conduct and other safety and operational protocols. Wildlife Victoria volunteers are supported with a technology platform and portal for case response and have priority access and support from the Wildlife Victoria 24/7 emergency response service staff. Since 2020 Wildlife Victoria has provided its volunteers with circa \$4 million in direct cash grants but is no longer able to pay volunteers for the work they perform without more financial support for Wildlife Victoria in the form of government grants or philanthropic or partnership funding. Wildlife Victoria provides seasonal support for its most active volunteers in the form of fuel cards and formula for wildlife in care.

Wildlife Victoria has fee for service arrangements in place with wildlife rescue volunteers who hold a Category C firearms licence ("darters") who are often dispatched to attend to wildlife hit by vehicles but are still mobile. Volunteers who are darters are paid a minimum fee of \$250 by Wildlife Victoria for each wildlife attendance. The expense incurred by Wildlife Victoria the financial year to date for darting is \$321,000 and projected to exceed \$400,000 next financial year.

Wildlife Victoria also regularly engages with several agencies when coordinating response for wildlife roadstrike, including but not limited to Victoria Police, VicRoads, CityLink, SES, CFA, FRV, Parks Victoria, LGAs and public and private landholders.

There is no legislative overlay across wildlife rescue in Victoria outside mass scale wildlife emergencies that fall under the State Emergency Management Plan (SEMP) such as major bushfires, where DEECA is the lead agency. Government does not play a role in day-to-day wildlife rescue of individual animals meaning that, despite Wildlife Victoria's substantive efforts, there is no legislative overlay or mandate across its work.

Given the lack of legislative overlay, any member of public can establish their own wildlife rescue organisation. Across the state several small, localised volunteer wildlife rescue groups are in place. The fragmented nature of wildlife rescue means there is a lack of standardisation, duplication of efforts and it is confusing for the Victorian public when seeking help for wildlife hit by vehicles.

Veterinary triage and treatment

The overwhelming majority of veterinary treatment of wildlife is performed by GP veterinary clinics and animal emergency hospitals across the State when wildlife rescuers present with injured or orphaned wildlife hit by vehicles. Veterinary treatment of wildlife is performed at no cost. This poses significant burden on the profession which is obligated to ease suffering of injured animals in the context of the veterinary profession facing a significant workforce shortage and well documented mental health and wellbeing issues including high stress and burnout. GP and emergency veterinarians typically have limited training on wildlife.

Wildlife Victoria's Travelling Veterinary Service provides free in-field wildlife veterinary services to wildlife impacted by roadstrike and comprehensive and free veterinary services to wildlife in care with government licenced volunteer wildlife rehabilitators, at Wildlife Victoria's cost. Wildlife Victoria's veterinarians and veterinary nurses are experienced wildlife veterinary professionals and operate 7 days a week including all public holidays. Wildlife Victoria's veterinary team also provide telehealth services for GP veterinarians. The operating costs for Wildlife Victoria's veterinary service are at \$1.5 million per annum, and despite acknowledging the need for expansion of the service Wildlife Victoria is insufficiently funded to expand it.

Zoos Victoria sees some wildlife brought into its hospitals at Parkville, Werribee and Healesville and will conduct surgery on wildlife. It is noted, however, that most wildlife hit by vehicles require in-field interventions on welfare grounds, and any viable pouch young placed into rehabilitation.

Wildlife rehabilitation

DEECA¹ has accountability for licensing and oversight of wildlife rehabilitators, with wildlife shelters and foster carers licenced under Section 28A of the Wildlife Act 1975. Wildlife rehabilitators care for wildlife on a voluntary basis and can incur significant time and cost in doing so. DEECA provides a grant of up to \$3,000 for each rehabilitator annually, on application. Many wildlife rehabilitators also undertake public fundraising to assist with costs and may receive additional grants from the Victorian State Government via the annual State Budget, from local councils or other organisations. Most wildlife rehabilitators are also Wildlife Victoria volunteers and receive supports from Wildlife Victoria as outlined earlier – including comprehensive veterinary support and attendances to wildlife in their care from the Wildlife Victoria Travelling Veterinary Service, in the zones the service is in place.

The burden of care for any viable orphaned wildlife after roadstrike is substantive from both a time and cost perspective for wildlife rehabilitators and requires ongoing, round the clock commitment. The majority of wildlife rehabilitators report that funding available is grossly insufficient and report burnout associated with the increasing burden of wildlife needing care.

All key participants across the operational response to wildlife roadstrike are chronically underfunded and performing services at no charge despite incurring substantive cost. Wildlife Victoria is deeply concerned about the sustainability of rescue, veterinary treatment and rehabilitation given the ongoing increase in wildlife roadstrike, and wildlife in need of response and support more generally given climate change, habitat loss and urbanisation. Wildlife Victoria is also

¹ Victorian Department of Energy, Environment and Climate Action

deeply concerned about the trauma that first responders themselves experience in responding to wildlife roadstrike, both volunteers and paid personnel.

Wildlife Victoria supports the concept of a nominal levy on annual vehicle registrations (such as \$2) to support the operational response to wildlife spanning rescue and response, treatment and care of wildlife impacted by roadstrike as handled by all actors in the value chain of response. That is, to support costs incurred by Wildlife Victoria in operating the 24/7 Emergency Response Service and Travelling Veterinary Service, to enable Wildlife Victoria to provision financial support to volunteer responders to wildlife road trauma on an activity basis (such as covering costs of fuel and vehicle wear and tear in travelling to/from a wildlife roadstrike case), to provide a level of reimbursement to veterinarians for costs associated in treating wildlife, and for government to support volunteer wildlife rehabilitators it licences with the costs associated with the care of wildlife impacted by road trauma. Wildlife Victoria anticipates funds collected from such a levy would be subject to the appropriate level of governance, oversight, operational protocols and reporting.

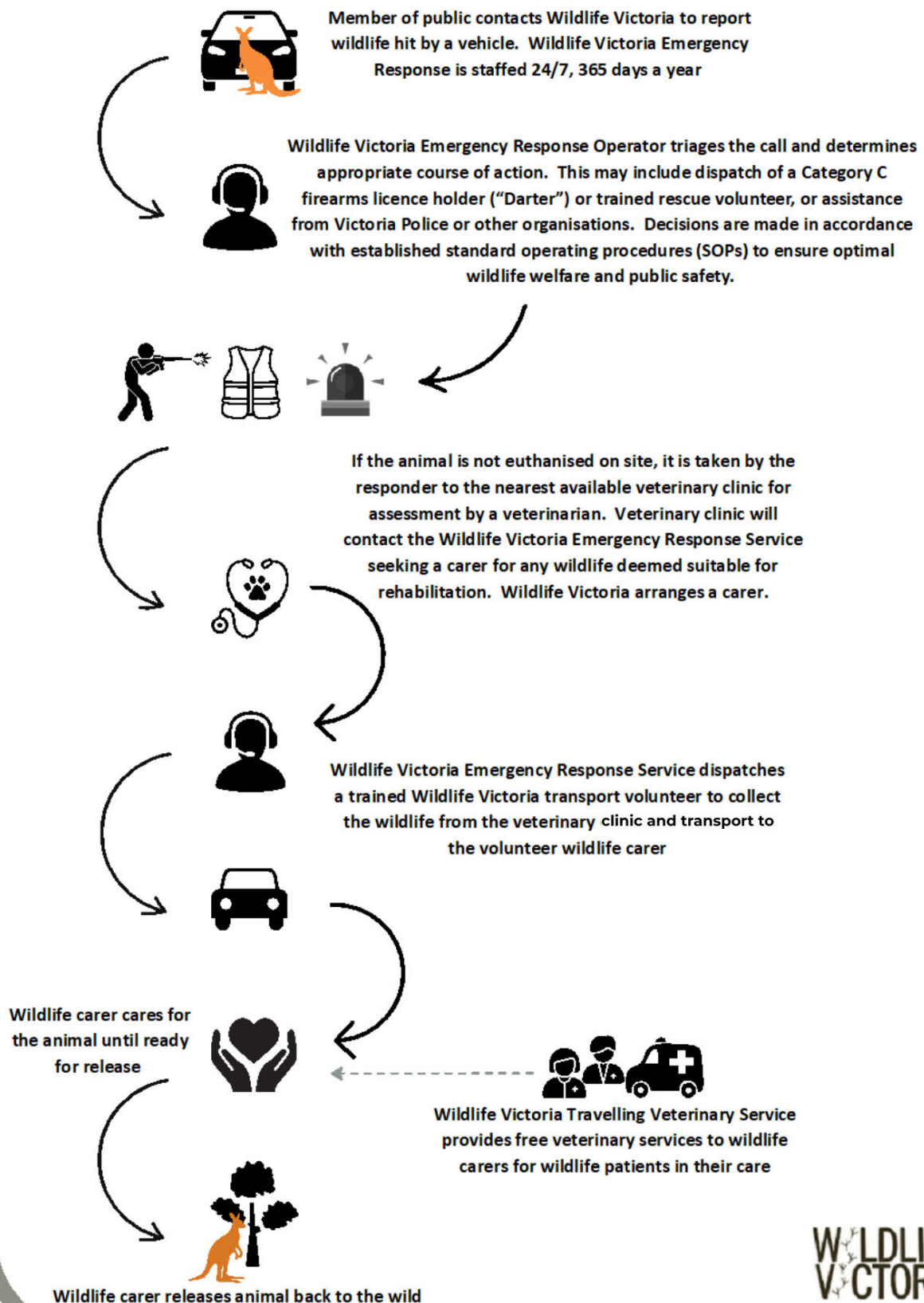


*Figure 2: Wildlife Victoria staff member marking deceased wombat to show that the animal has been pouch checked
Photo by Doug Gimesy.*

Wildlife Victoria roadstrike operational response

The Wildlife Victoria value chain of activities as it pertains to response to wildlife roadstrike is detailed over the page. It is noted that each case is unique and can involve varying levels of complexity contingent on circumstances. Support to volunteer wildlife carers from the Wildlife Victoria Travelling Veterinary Service is only available across some parts of the State given insufficient funding to provide statewide veterinary coverage of the service.

Response to Wildlife Roadstrike - Wildlife Victoria Process



Wildlife Victoria Roadstrike Data

Wildlife Victoria has a detailed multi-year time series of wildlife roadstrike cases reported to Wildlife Victoria. Each case is allocated a case number and contains comprehensive information including time stamp, recording of the call, location specifics, circumstances, identity of the caller, species, age and sex of the species, details of the responder and outcome of the case.

Wildlife Victoria provides the Parliamentary Inquiry into Wildlife Roadstrike summary information for the purposes of demonstrating the scale of the wildlife roadstrike Wildlife Victoria is responding to.

We note that Wildlife Victoria's *Road Toll Reduction Program* involves engagement directly with local governments including provision of detailed wildlife roadstrike information relevant to the LGA in question, pinpointing specific hot spots in municipalities and provision of insights. The program includes a range of elements in addition to data and insights including community education, training and other consulting advice in collaboration with LGAs.

Further commentary on the Wildlife Victoria roadstrike data continues further in this document. Data presented underrepresents actual roadstrike cases.

Wildlife road strike volume

Wildlife Victoria has experienced a marked and ongoing rise in wildlife roadstrike cases since 2020.

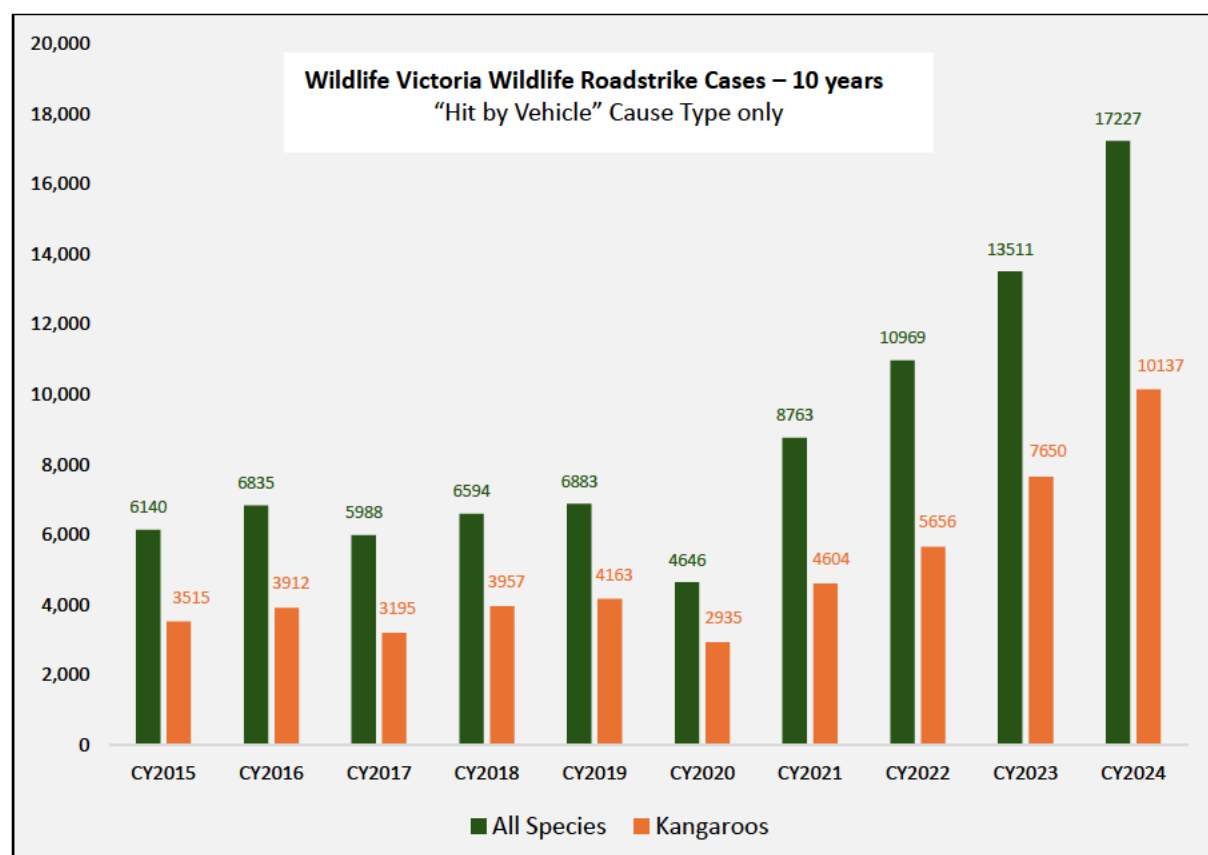


Figure 3: Wildlife Victoria Wildlife Roadstrike Cases 10 year time series

On average between 2015 and 2019 Wildlife Victoria handled an average of 6,488 wildlife roadstrike cases per annum. The case numbers handled in 2024 were 266% higher than that average. Post 2020 wildlife roadstrike cases have increased year on year and demonstrate an escalating trend. Case volume handled to date for 2025 show an increase expected again for the current calendar year compared to 2024.

Total roadstrike cases handled by Wildlife Victoria have spanned 311 different species, with kangaroos forming a significant proportion of total cases at typically between 50% and 60% of total wildlife road strike cases.

Calendar Year	Kangaroos %
2015	57%
2016	57%
2017	53%
2018	60%
2019	60%
2020	63%
2021	53%
2022	52%
2023	57%
2024	59%

Figure 4: Kangaroos as a percentage of total wildlife roadstrike case volume

Wildlife road strike responders

Wildlife road strike has been attended to by many individual Wildlife Victoria volunteers, as well as Victoria Police where the Wildlife Victoria Emergency Response Service has requested assistance from Victoria Police for firearm dispatch of wildlife on both welfare and public safety grounds.

Calendar Year	Wildlife Victoria volunteer wildlife roadstrike responders
2022	508
2023	528
2024	625

Figure 5: Number of individual Wildlife Victoria volunteers responding to wildlife road strike

Some Wildlife Victoria volunteers with a Category C firearms licence are paid a minimum of \$250 per case by Wildlife Victoria to attend to wildlife hit by vehicles that are still mobile and require tranquilisation to assess for injury and reduce risk.

Across the three-year calendar year period 2022 to 2024, Wildlife Victoria's Emergency Response Service requested assistance from Victoria Police who attended to 4,821 wildlife roadstrike incidents to undertake firearm dispatch of critically injured wildlife on public safety and welfare grounds.

Wildlife road strike location

Wildlife road strike is most prevalent across the outer fringe of Melbourne and urban areas, particularly where new housing developments are being constructed, and regional locations with high visitation and associated road traffic.

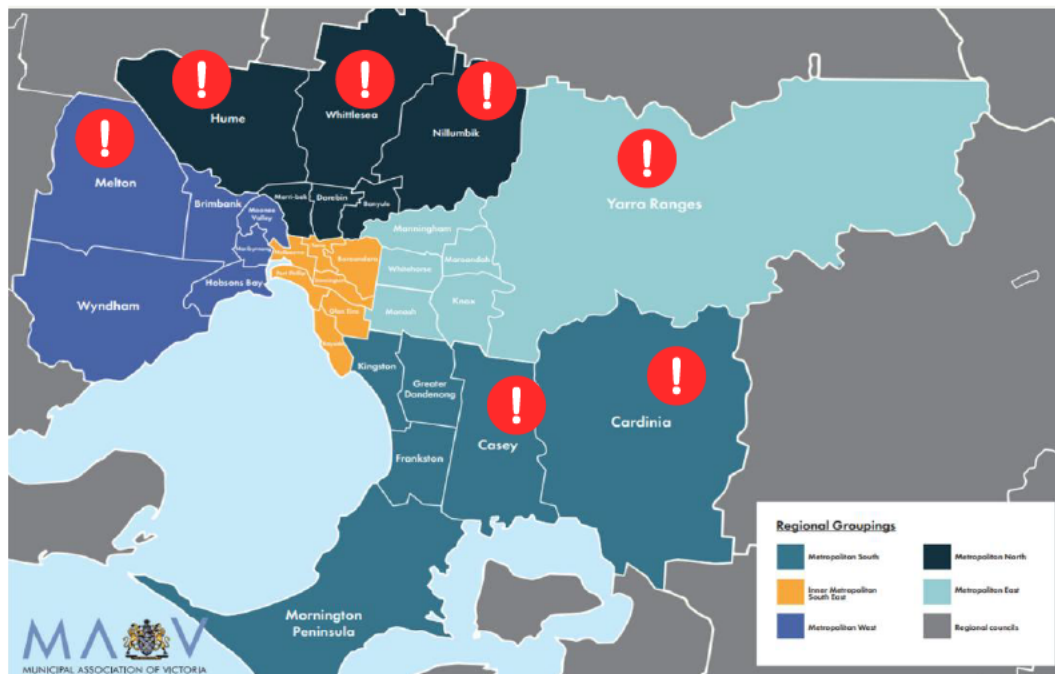


Figure 6: Metropolitan LGAs in the top 15 LGAs statewide for wildlife roadstrike

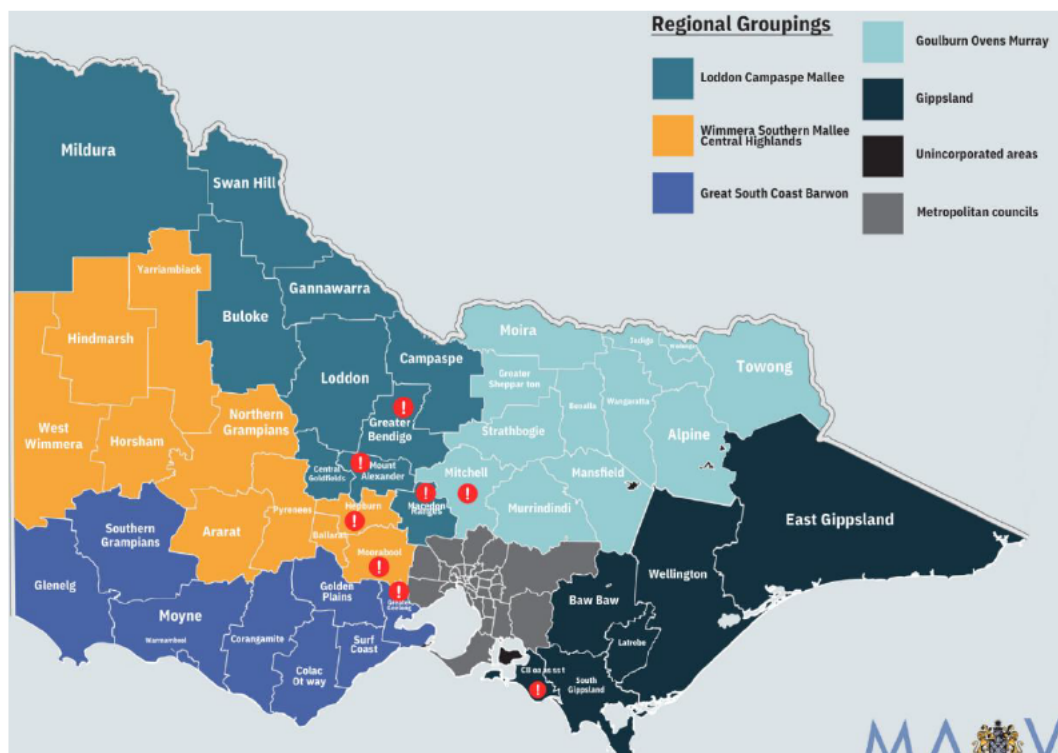


Figure 7: Regional LGAs in the top 15 LGAs statewide for wildlife roadstrike

Wildlife Victoria's data further splits each LGA into suburbs and specific local geographies.

Wildlife Victoria wildlife roadstrike case volume is concentrated with some LGAs experiencing substantially higher roadstrike incidents than others; 10 LGAs account for 44% of total case volume for the entire state. In 2024, Wildlife Victoria handled an average of close to 4 wildlife road strike cases per day across Macedon Ranges and an average of 3.6 daily for Hume City Council. Wildlife roadstrike cases handled by Wildlife Victoria across the top 15 LGAs for the State increased by 172% between 2022 and 2024. Across the State, Wildlife Victoria handled an increase in wildlife roadstrike incidents for 91% of total LGAs.

Local Government Area (LGA)	Volume
1. Macedon Ranges Shire Council	2345
2. Hume City Council	2230
3. Whittlesea City Council	1589
4. Yarra Ranges Shire Council	1360
5. Bass Coast Shire Council	1334
6. Nillumbik Shire Council	1289
7. Mitchell Shire Council	1105
8. Melton Shire Council	1002
9. Mount Alexander Shire Council	969
10. Moorabool Shire Council	873
11. Cardinia Shire Council	817
12. Hepburn Shire Council	741
13. Greater Geelong City Council	709
14. Greater Bendigo City Council	706
15. Casey City Council	693

Figure 8: Wildlife Victoria wildlife roadstrike case volume 2022-2024 - Top 15 LGAs

Factors impacting wildlife roadstrike

Wildlife Victoria has also observed additional factors that impact wildlife roadstrike including:

- Loss, destruction and fragmentation of wildlife habitat subsequent to new housing development and other road or large infrastructure construction
- Climatic conditions including drought
- Moon phases, with Wildlife Victoria experiencing an escalation of wildlife roadstrike incidents during full moons
- Seasonality, with Wildlife Victoria road strike case volume being highest in Spring

Wildlife Victoria seeks to undertake more comprehensive research and data analysis across such factors, specifically moon phases, to best inform its dynamic workforce planning and operational and wildlife welfare response.

Terms of Reference

The scope, application, and enforcement of relevant legislation and regulatory frameworks, and their ability to monitor wildlife road strike, promote driver education and raise public awareness

Legislation or regulation that exists in respect of driver education and public awareness

There appears to be no legislation or regulation across promotion of driver education or public awareness of wildlife roadstrike, with interested parties such as Wildlife Victoria conducting public campaigns at their own cost either on a standalone basis (such as Wildlife Victoria's Drive Change for Wildlife Campaign in 2024) or in collaboration with other organisations. Wildlife Victoria has provided its data to organisations such as RACV enabling RACV to educate its member base on safe driving tips around wildlife, and Wildlife Victoria and TAC conducted a joint campaign on safe driving around wildlife in 2020. Wildlife Victoria regularly engages with media to drive public awareness of wildlife roadstrike and a reduction in wildlife roadstrike is one of the organisation's key advocacy goals.



Figure 9: Wildlife Victoria "Drive Change for Wildlife" campaign 2024

Legislation or regulation that exists in respect of monitoring wildlife road trauma

There appears to be limited legislation or regulation in respect of monitoring wildlife road strike. We have not been able to identify a jurisdiction which has legislation or regulations which establish a framework for the monitoring of wildlife road trauma.

There are a range of projects conducted by NGOs and at times assisted by government in respect of the monitoring of wildlife road trauma incidents, however these projects do not appear to be governed by broader legislation².

While the DEECA Conservation Regulator requires wildlife rehabilitators licenced under Section 28A of the Wildlife Act 1975 to maintain a listing of wildlife patients in care, there is no requirement for rehabilitators to record time, expenditure and detailed records for road trauma animals. There is also no requirement for wildlife rehabilitators to formally submit records on a frequent basis, only to maintain them and have them available for inspection by an authorised officer. There is therefore no centralised and comprehensive database of outcomes for wildlife roadstrike patients in care to facilitate insights and understanding of outcomes and impact on both wildlife rehabilitators and surviving wildlife.

Comparison to Livestock and Pet Incidents

Reporting a collision with livestock or pets is legally required. Why is there no such requirement for wildlife?

1. In Victoria, under section 61(1) of the *Road Safety Act 1986* (Vic),³ if a motor vehicle accident results in "damage" or "destruction" to any "property" (which includes "animals"), the driver must:
 1. immediately stop the motor vehicle;
 2. immediately render such assistance as they can;
 3. at the scene of the accident as soon as possible give certain details to a person representing the owner of the property and any police officer who is present; and
 4. if neither the owner, a representative, nor a police officer is present, report the accident in person to the most accessible police station as soon as possible.
2. Since the reference to "property" in the legislation includes "animals", the driver of a motor vehicle that collides with wildlife is arguably required to render such assistance as they can (including, we would argue, by contacting a wildlife rescue organisation such as Wildlife Victoria). Additionally, if no police officer is present, the driver would arguably be required to report the accident at the most accessible police station. However, we appreciate that this is not how the law is applied or enforced in practice. Accordingly, introducing express reporting requirements in relation to wildlife collisions would help clarify driver responsibilities and introduce a clear offence in the event a driver does not report a wildlife collision.

² See for example (<https://www.fws.gov/project/wildlife-roadkill-observation-monitoring>, <https://waarnemingen.be/pages/dodw/> and <https://wildlifecrossing.net/globalroadkill/>).

³ <https://content.legislation.vic.gov.au/sites/default/files/2025-04/86-127aa229-authorised.pdf>.

3. We note that the reporting requirements in relation to collisions differ significantly across the Australian States. Currently, no State appears to have specific reporting requirements in relation to wildlife under the relevant road safety legislation.⁴ Some States do, however, have reporting requirements under their respective animal welfare / cruelty legislation (see below).

“Give way to livestock” signs are enforceable. Can similar legal obligations apply to wildlife?

1. In Victoria, under rule 402 of the *Road Safety Road Rules 207* (Vic),⁵ if a *give way to stock sign* applies, a driver of a vehicle must take such action as is reasonably necessary to avoid a collision with any animal under control on the length of road or at or near the sign, depending on which signage is used.
2. Additionally, the driver must:
 1. travel at a speed that would enable the driver to stop the vehicle safely if an animal under control were to move into the path of the vehicle; and
 2. if the driver comes to a stop sign at a place where animals under control cross a road, stop the vehicle at a reasonable distance from that place and must not proceed while an animal is crossing at that place.
3. While similar legal obligations could certainly apply to wildlife, they may not be successful in changing public behaviour. In this regard, a recent (2024) literature review and direction paper by Transport for New South Wales argued that:⁶
 1. static signage alone was not an effective or long-term solution;
 2. drivers often do not change their behaviour in response to signage because they "seldom detect fauna and therefore do not trust the sign"; and
 3. while "enhanced signage" (ie signs that combine elements of static signs and dynamic signs, where dynamic signs display variable messaging or information) are more effective than standard signs, motorists can still become "habituated".
4. The paper also noted that in North America there was evidence of a significant decrease in the rate of wildlife collisions when warning signage were accompanied by an enforced speed limit. However, similar trials involving koalas in South East Queensland did not have the same success, perhaps highlighting the need for more tailored interventions.

⁴ <https://pmc.ncbi.nlm.nih.gov/articles/PMC6616407/> at 2.1.

⁵ <https://content.legislation.vic.gov.au/sites/default/files/2020-11/17-41sra009%20authorised.pdf>.

⁶ <https://www.transport.nsw.gov.au/system/files/media/documents/2025/Using-technology-to-reduce-wildlife-vehicle-collisions-Directions-Report.pdf> at 4.2.1.1.

Obligation to Render Assistance

While section 61(1) of the Road Safety Act 1986 (Vic) arguably requires a driver to render assistance when any property (including any animal/wildlife) is "damaged" or "destroyed", there is no express requirement to call a wildlife rescue organisation such as Wildlife Victoria. We suggest that the inclusion of specific obligations in relation to wildlife collisions would help clarify a driver's responsibility to render assistance and introduce a clear offence where a driver fails to provide such assistance.

Could there be a legal requirement under POCTA (Prevention of Cruelty to Animals Act)?

1. Section 9 of the *Prevention of Cruelty to Animals Act 1986* (Vic),⁷ defines cruelty to include:
 1. wounding, mutilating, torturing, beating, tormenting or terrifying an animal; and
 2. doing or omitting to do an act with the result that unreasonable pain or suffering is caused, or is likely to be caused, to an animal.
2. In this context, failing to render assistance or contact Wildlife Victoria following a wildlife collision could constitute animal cruelty where such failure causes, or is likely to cause, unreasonable pain or suffering to an animal. We appreciate that, again, this is not how the law is applied or enforced in practice.
3. In other States, obligations apply in relation to the alleviation of animal suffering, and in some jurisdictions, there are specific obligations that apply to vehicle collisions.

For example:

1. in New South Wales, under section 14 of the *Prevention of Cruelty to Animals Act 1979* (NSW),⁸ the driver of a vehicle which strikes and injures an animal (other than a bird) shall not fail to take reasonable steps to alleviate pain inflicted upon the animal in consequence of the injury; and
2. in the Australian Capital Territory, under section 10 of the *Animal Welfare Act 1992* (ACT),⁹ a person commits an offence if the person injures an animal and does not take reasonable steps to assist with the animal's injury (including by contacting a relevant person and seeking veterinary treatment). Additionally, a person commits an offence where they injure a mammal in circumstances where they "ought to know" the animal is injured (including in a vehicle collision) and they fail to notify a relevant person within 2 hours that the animal is injured and a location.
4. The above examples could form the basis of a legal requirement/obligation that could be included in the *Prevention of Cruelty to Animals Act 1986* (Vic).

⁷ <https://content.legislation.vic.gov.au/sites/default/files/2020-04/86-46aa096%20authorised.pdf>.

⁸ <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1979-200#sec.14>.

⁹ https://www.austlii.edu.au/cgi-bin/viewdoc/au/legis/act/consol_act/awa1992128/s10.html.



Figure 10: Deceased emu hit by vehicle.



Figure11: Deceased echidna hit by vehicle

The involvement, training and expenditure of paid and volunteer rescue and rehabilitative organisations and individuals in attending to, and managing, road strike incidents

Veterinarians, wildlife rescue volunteers, and wildlife rehabilitators form the backbone of Australia's wildlife emergency response. However, their role is largely uncompensated, underfunded, and undervalued, despite the essential nature of their work.

Veterinarians have a legal and ethical duty to treat animals in distress, including wildlife, without the ability to refuse based on ownership or payment. This contrasts with the status of most rescue organisations, which operate voluntarily and are not bound by professional codes of conduct. As a result, veterinarians and veterinary organisations often shoulder disproportionate responsibility and financial burden. Wildlife Victoria asserts that wildlife are 'assets of the Crown' and accordingly veterinarians should be compensated by governments for provision of veterinary services for wildlife. A paper prepared for Wildlife Victoria by Dr Chris Corns, Adjunct Professor, School of Law at La Trobe University, explores this topic in full in the Appendix to this document including referencing legislation across different Australian states for the information of the inquiry committee.

While many wildlife rescue organisations are staffed by dedicated volunteers, the lack of State recognition or formal integration into emergency response systems means they often lack training, infrastructure, and access to veterinary support. The absence of a systemic funding model means expenditure falls either on organisations like Wildlife Victoria, volunteers or on veterinarians acting as de facto wildlife responders.

A common misconception is that wildlife rescue response is carried out solely by unpaid volunteers. In practice, responses to wildlife trauma also involve government and professional entities including Victoria Police, authorised darters, and qualified veterinary personnel. Wildlife Victoria funds the direct costs of deploying trained responders and delivering services. Contrary to claims that costs fall solely on rescuers, Wildlife Victoria bears significant financial responsibility for response logistics, equipment, and field interventions.

The cost of operating a state-wide, rapid response service is substantial and growing. Wildlife Victoria pays skilled volunteers (darters) for their time and expertise. Over recent years, the expense for darting operations alone has steadily increased, as documented in Wildlife Victoria's internal time-series expenditure reports. This underscores that wildlife rescue is not a purely volunteer-led system but a structured operation with professional, paid roles that require ongoing financial investment.

Wildlife Victoria has developed and operates a comprehensive training program to ensure responders meet high competency standards, particularly for complex and high-risk activities such as rescue, triage and transport of injured animals. However, the current landscape is highly fragmented, with multiple small rescue groups operating independently. This lack of centralised coordination significantly reduces the efficiency and safety of wildlife rescue operations and often results in multiple calls for the same incident. Wildlife Victoria frequently receives several notifications from the public about the same animal. Sometimes Wildlife Victoria may dispatch a responder who may encounter volunteers of small, localised rescue groups who subsequently arrive on scene, reflecting duplication of effort and a lack of real-time situational awareness across groups.

A centralised, coordinated response framework is essential, particularly to deploy trained personnel like darters, who require timely, accurate deployment to be effective. The current fragmented approach, with numerous small groups and individual rescuers operating in silos, prevents strategic management of resources and diminishes wildlife welfare outcomes.

There is no consistent legislative overlay for wildlife rescue at present, which contributes to the lack of operational integration. This limits accountability, quality assurance, and consistent standards across the sector. For the welfare of native species and the sustainability of the rescue network, a more structured, well-funded, and centrally managed model is urgently required.

Training Requirements

Training requirements for wildlife carers vary significantly across Australian States and Territories. For instance, in New South Wales (NSW), professional training is mandatory to ensure that rescued wildlife does not suffer due to untrained personnel. Additionally, carers in NSW are required to undergo more advanced training within three years of obtaining a licence in order for it to be renewed. In contrast, other States and Territories maintain less structured training protocols. As a result, the competencies and skills required to care for native animals differ depending on the jurisdiction. This inconsistency has the potential to affect the quality of care that native animals receive across the country.

To address this issue, a centralised model could be implemented to undertake the necessary research and collect data to determine the appropriate minimum level of training required for carers. Such a model could then mandate these standards nationally to prevent unintentional harm to rescued animals by untrained or undertrained personnel.

Rules to Follow

In addition to training challenges, volunteers who rescue and rehabilitate native animals must also navigate a complex web of legislation. This includes a multitude of Acts, regulations, and various codes of practice, guidelines, standards, general requirements, and policies across different jurisdictions in Australia. The abundance and disjointed nature of these legal requirements create additional burdens for volunteers, who are already dedicating their personal time and resources to the care of native wildlife.

Travelling Veterinary Service

The Wildlife Victoria Travelling Veterinary Service (TVS) attends to road trauma patients at the point of rescue as well as wildlife placed in care with wildlife rehabilitators. These services are critical in providing immediate and ongoing veterinary care to injured native wildlife across diverse regions. Patients seen at wildlife shelters by the TVS may either be presented for primary veterinary assessment or for a second opinion following an initial assessment performed at a general practice veterinary clinic. The scope of TVS patients is broad, encompassing a vast array of native species.

The TVS attends to all three mammalian groups present in Australia – monotremes, placentals, and marsupials. In addition, they treat birds from over 12 different orders representing more than 25 taxonomic families, and reptiles including turtles, lizards, and snakes.

Wildlife hit by vehicles often present in shock and may suffer from multiple injuries. These can include soft tissue bruising (contusions), broken bones (fractures – open or closed, and in single or multiple pieces), dislocated joints, and damage to skin and coat/feathers/scales such as abrasions, lacerations, broken feathers, broken scales, degloving injuries, and torn, bleeding nails. Internal injuries may involve internal bleeding (vessel and/or organ laceration), internal organ damage (bruising, torsion, rupture), head trauma (concussion, bleeding from ears), eye trauma (corneal grazes, hyphema, retinal detachment, globe luxation), and oral trauma (broken teeth, tongue lacerations).

The treatment of shock in road traffic accident patients is often delayed or inadequate due to several contributing factors. These include delayed rescue, delayed triage by experienced personnel (rescuers, wildlife carers, veterinarians, veterinary nurses), and inadequate experience by those performing triage in identifying and managing shock. Inappropriate or absent treatment, especially failure to manage pain, significantly reduces the animal's chance of survival both in the short and long term. Poor circulation from untreated shock has systemic consequences on oxygenation, thermoregulation, hydration, and detoxification, and can result in permanent organ damage.

In addition to animals injured by direct impact, dependent juvenile animals, particularly those of injured or deceased parents, are also at significant risk of serious illness, injury, and death. Dependent pouch young of marsupials (joeys) are especially vulnerable. They may suffer from dehydration if the dam's milk supply ceases due to shock or death, hypothermia if the dam can no longer thermoregulate, or hyperthermia from roadside exposure in high summer temperatures. They may also experience trauma and pain from being thrown from the pouch during impact, from being struck while still in the pouch, or from predation and scavenging, which may not result in immediate unconsciousness or death.

The longer a dependent joey remains unattended, either in the pouch or next to the deceased dam, the higher the risk of dehydration, hypothermia, hyperthermia, trauma, pain, and eventual death. Prompt intervention is critical to reduce suffering and improve survival outcomes.

As a mobile team, TVS roadside rescues are frequently conducted en route to wildlife shelter visits or other assigned wildlife veterinary rescue tasks. Such rescues are particularly common along all sealed roads, urban, peri-urban, and rural.

Four case examples attended to by the TVS on 20th May 2025 include:

- **Eastern Grey Kangaroo (EGK) adult female with pouch young and an at-foot joey:** The dam was alive with a broken pelvis and hind leg, unable to stand. Members of the public were observed taking photos and selfies while she lay immobile in a park next to a main road. The TVS responded to the rescue call and sedated and euthanised both the dam and her dependent pouch young. The at-foot joey rejoined the mob. Notably, this case was reported to the Wildlife Victoria Emergency Rescue Service (WV ERS) by passers-by, not by the individual(s) who struck the animal.

- **Brush-tailed Possum (BTP) adult female with pouch young:** Found approximately 2 metres from the road, hiding behind a gas meter in an exposed area. The possum had been struck by a vehicle the night before and was suffering from head trauma, eye trauma, oral trauma, and internal bleeding in the lungs. Both the dam and pouch young were euthanised. Again, this case was called in to the Wildlife Victoria Emergency Response Service by passers-by, not by the responsible driver.
- **Eastern Grey Kangaroo (EGK) adult female:** The kangaroo died within an hour of being hit by a car. A member of the public stayed with the animal, as the driver continued on without stopping. The carcass was reported for a pouch check the following afternoon. Upon inspection, the animal had been dragged into nearby bushland and was missing both ears—edges showing signs consistent with being cut using a knife—and both hind feet. This case was also reported by a member of the public, not the driver.
- **Wombat joey in care with a wildlife carer:** A shelter visit was conducted after five days in care, as the joey was failing to gain weight, stay hydrated, or toilet normally, and presented with a very quiet demeanour. History revealed that the dam had been struck by a car, and the joey remained in the pouch for more than a day amidst maggots and rotting flesh before being rescued. The joey had since developed respiratory and gastrointestinal illness as well as renal damage, likely due to prolonged dehydration, hypothermia, and exposure to decomposition organisms.

Mental Health Impact on Volunteers

Wildlife Victoria conducted recent detailed interviews of 8 active volunteers and staff on their experiences responding to wildlife roadstrike, and has also conducted comprehensive research in conjunction with LaTrobe University on the mental health triggers and impacts on wildlife rescuers and wildlife carers (both Wildlife Victoria and non-Wildlife Victoria volunteers) including survey and input from hundreds of wildlife rescue and care volunteers.

Volunteers report an overwhelming and unrelenting number of wildlife roadstrike cases. Weekly figures for the highest volume volunteer responders can range from 10 to over 30 incidents. Many identify specific regional hotspots and express frustration over the inability to respond to every instance of wildlife roadstrike.

Sentiment around data collection is inconsistent and under-supported. While some rescuers meticulously track their own incidents using spreadsheets, photographs, and mapping tools, others lack the necessary resources, training, or systems. The absence of a standardised statewide data collection system results in significant underreporting and makes it difficult to quantify and address the true scale of the problem for wildlife rescues conducted outside the Wildlife Victoria system.

Support from institutions is described as patchy, limited, and frequently ineffective. Although organisations such as Wildlife Victoria and certain wildlife shelters provide essential assistance, other entities, including police, local councils, and emergency services, are often perceived as unreliable or untrained, particularly in dealing with euthanasia. Volunteers are frequently left to manage traumatic and complex scenes in field with little to no governmental agency in field assistance.

Reports of deliberate harm to wildlife are both distressing and increasingly prevalent. Volunteers have described multiple instances of vehicles intentionally veering off-road to strike animals. Additionally, the majority of drivers fail to report collisions, resulting in injured animals being left to suffer. These factors contribute to significant frustration, anger, and helplessness among rescuers.

The emotional and financial toll on volunteers can be profound. Some of the highest volume responders to wildlife roadstrike report psychological distress, burnout, flashbacks, and a decline in mental health. Financially, volunteers often bear the costs of fuel, vehicle damage, and rescue equipment, while also facing disruptions to their family and social lives. Despite these pressures, many feel morally obligated to continue their work, fearing the consequences for wildlife if they were to stop and episodes of hypervigilance. This leads to guilt and emotional exhaustion.

The broader impact extends to members of the public. Witnesses to roadstrike incidents also often experience trauma. (See section 4.)

Coping mechanisms among volunteers are often inadequate and improvised. Despite the professional round the clock support provided by the Wildlife Victoria volunteer assistance program ("VAP") most volunteers only occasionally access professional help and many rely on informal peer support and personal boundary-setting. Some adopt avoidance strategies, while others report turning to unhealthy coping mechanisms, such as alcohol use. Overall, the volunteer community is managing significant trauma with minimal usage of professional support even where it is provided.

There is a strong call for structural change to better support volunteers. Key requests include funding for vehicles, fuel, and rescue equipment; the establishment of paid roles for high-volume rescuers; public education initiatives; driver training specific to wildlife protection; and improved signage and reduced speed limits in identified hotspots. Wildlife Victoria is supportive of many of these measures, but unable to financially absorb the costs of paying volunteers for their volunteering efforts or providing vehicles and other infrastructure unless sustainable and ongoing systemic funding is sourced.

The current government response is widely regarded as inadequate and dismissive. Volunteers are calling for the establishment of government-funded wildlife emergency services, the integration of wildlife welfare considerations into road and urban planning, stronger penalties for deliberate harm, and improved reporting and accountability mechanisms. Infrastructure such as wildlife crossings, variable signage, and virtual fencing is also urgently needed, along with public education programs in schools and communities.

Despite the challenges, many volunteers remain cautiously optimistic about the potential outcomes of the inquiry. They are seeking policy changes that formally recognise kangaroo welfare, stronger enforcement of reporting and cruelty laws, subsidies for euthanasia tools and medications, and increased public respect for wildlife and rescuers. Above all, there is a desire for a more compassionate, coordinated, and responsive approach from government agencies.

Volunteers continue their efforts out of necessity and compassion despite the challenges. This highlights the urgent need for immediate and systemic intervention.

New and emerging technologies and infrastructure used to prevent road strikes

Federally, the main law for animal and wildlife protection *Environment Protection and Biodiversity Conservation Act 1999 (Cth)*¹⁰ does not impose the inclusion of wildlife infrastructure in road planning. Similarly, a review of 57 peer-reviewed papers revealed that most transport practitioners do not acknowledge or consider fauna-sensitive road design or road ecology concepts. While the development of fauna-sensitive road design is possible in the Australian transport sector, a substantial institutional change driven by appropriate policies and user experiences is necessary.¹¹

At a State level, the *VicRoads Fauna Sensitive Road Design Guidelines* was developed in 2012 to assist VicRoads staff to provide understanding around the impacts of roads and traffic on fauna movements and the options available for fauna sensitive road design.¹² Section 6 of these guidelines offer some fauna sensitive road design suggestions but does not include more recently introduced technologies and infrastructure solutions.

Every year, tens of thousands of native animals are reported as injured or killed on Victorian roads, and countless more go undocumented. Behind every statistic is a rescuer, a motorist, and a community grieving a loss. Wildlife Victoria has decades of experience and the state's most comprehensive wildlife incident databases.

Wildlife Victoria's Road Toll Reduction Pilot Program (2023-2024), in collaboration with Macedon Ranges, Bass Coast, and Greater Bendigo councils, provides a tested framework and actionable tools. The pilot resulted in a *Wildlife Road Toll Reduction Tool Kit*, offering best-practice guidelines for identifying hotspots, selecting technology, and engaging local communities.

Wildlife Victoria continues to review emerging technology and infrastructure solutions and analyse results as part of the program's ongoing commitment to innovation in road strike prevention.

With over 160,000 calls to Emergency Response Service annually, Wildlife Victoria has real-time data, relationships, and field experience required to implement and monitor new technologies where they are needed most.

Summary of Key Technologies and Infrastructure to Reduce Wildlife Road Strikes

A range of technologies and infrastructure options are being explored to mitigate wildlife road strikes in Victoria by Wildlife Victoria and other groups and councils. Virtual fencing, which uses light and sound to deter animals from roadways, has shown promising results, including a 50% reduction in road strikes during trials in Tasmania. It is currently in use at several Victorian sites and under trial at Bells Beach, though evaluation challenges remain.

¹⁰ <https://www.legislation.gov.au/C2004A00485/latest/text>

¹¹ <https://www.tandfonline.com/doi/full/10.1080/14486563.2024.2377086#abstract>

¹² <https://www.vicroads.vic.gov.au/planning-and-projects/%20environment/biodiversity>

AI-powered detection systems represent an emerging solution, using sensors and machine learning to identify wildlife near roads and trigger real-time driver alerts. While still in development, these systems offer potential, especially when combined with dynamic signage. Thermal sensor technologies are also being trialled internationally.

Traditional static signage has proven largely ineffective, whereas dynamic alerts, such as solar-powered LED signs activated at high-risk times, are more successful in attracting driver attention—especially when paired with clear messaging.

Wildlife crossings (underpasses and overpasses) and fencing are effective when used together, though both require significant investment.

Road calming measures and reduced speed zones also play a role, particularly when used in high-risk areas, though implementation can face resistance and cost barriers.

Additional tools include in-vehicle detection systems, driver alert apps, and spatial data management to identify collision hotspots. Wildlife Victoria maintains a centralised data system that supports proactive infrastructure planning, but broader efforts remain fragmented across the state.

Finally, driver education and awareness are essential to complement technological solutions, ensuring drivers understand risks and respond appropriately to wildlife on roads.



Figures 12 and 12: Turtles injured from roadstrike.

The impact of road strike on Victorian motorists, including major trauma incidents and motor vehicle damage

Wildlife Victoria focuses its submission and evidence on the scope of Wildlife Victoria's operations, however notes that motor vehicle insurers and the TAC are likely to have comprehensive data on motor vehicle damage, insurance claims and human injury as a consequence of wildlife road strike. Wildlife Victoria conducted a joint road safety campaign with TAC in 2020 given concerns of both organisations about the level of wildlife roadstrike experienced across the State and impact on driver safety. See the attached link for the television advertisement associated with this campaign:

https://youtu.be/vY90UW2yEQc?si=jNLBvVFBRqJKL_n-

Wildlife Victoria is in the unique position of having direct interaction with motorists both in the immediate aftermath of wildlife roadstrike and subsequent to wildlife roadstrike. It is Wildlife Victoria's experience that motorists experience significant distress both when striking wildlife and when observing wildlife both still alive and deceased subsequent to roadstrike. Wildlife Victoria's Emergency Response Operators are also exposed to trauma when handling these calls.

Wildlife Victoria supplies two live call recording extracts as a representative sample of live incoming calls from members of public who have experienced wildlife roadstrike. **Please note that these calls contain highly distressing content that will be upsetting to some listeners. Caution is advised.**

Wildlife Victoria Case 1



- Member of public calling Wildlife Victoria after striking a wombat with their vehicle at 10.50pm.
- Wombat bleeding from the nose and immobile, and still alive on the road.
- Member of public highly distressed and upset.
- Wombat had shattered jaw and teeth, and was subsequently euthanised by a local veterinarian after rescue by a Wildlife Victoria volunteer who arrived on scene shortly after.
- Calling member of public contacted Wildlife Victoria the next day deeply appreciative of the kindness and clear communication from Wildlife Victoria throughout the ordeal.
-

Wildlife Victoria Case 2



- Member of public calling Wildlife Victoria at 7.14am after observing a kangaroo still alive after being hit by a vehicle
- Motorist who hit the kangaroo did not report it to Wildlife Victoria, however Wildlife Victoria received multiple calls from passing motorists for the same animal.
- Kangaroo with two broken legs bleeding and attempting to drag itself off the road
- Member of public highly distressed and upset, and on way to work
- Wildlife Victoria volunteer was attached to the case at 7.20am and subsequently euthanised the kangaroo

The impact of development and infrastructure on incidents of wildlife road strike

Wildlife Victoria data reveals a significant and concerning rise in wildlife roadstrike incidents across the state. This increase aligns with expanding urban development, which disrupts natural habitats and forces wildlife into closer proximity with road networks. These road strikes not only present a major threat to native species but also pose safety risks for motorists. The escalation of incidents is especially pronounced in areas undergoing rapid transformation, highlighting the urgent need for integrated planning that considers ecological impacts.

Wildlife Victoria data identifies hotspots of frequent road strikes, which can be overlaid with Development Victoria's urban expansion data. This data correlation clearly illustrates how new developments intersect with wildlife corridors, contributing to the surge in road-related wildlife fatalities. Such analysis is crucial for informing more wildlife-sensitive infrastructure planning, including wildlife crossings, speed reductions, and public awareness strategies.

One notable case is Edgar's Road, Epping, where Wildlife Victoria has observed a marked increase in kangaroo wildlife road strikes since development activities commenced in early 2023. Wildlife Victoria has received 253 reports of kangaroo roadstrike in the vicinity from January 2023 to December 2024 (on average over 2 cases per week). This location exemplifies the broader trend of habitat encroachment resulting in heightened wildlife-vehicle conflict. The area, once relatively undisturbed, has seen a surge in wildlife casualties that coincides with intensified construction and human activity. This pattern reinforces the need for proactive intervention and the incorporation of wildlife mitigation measures into future development frameworks.

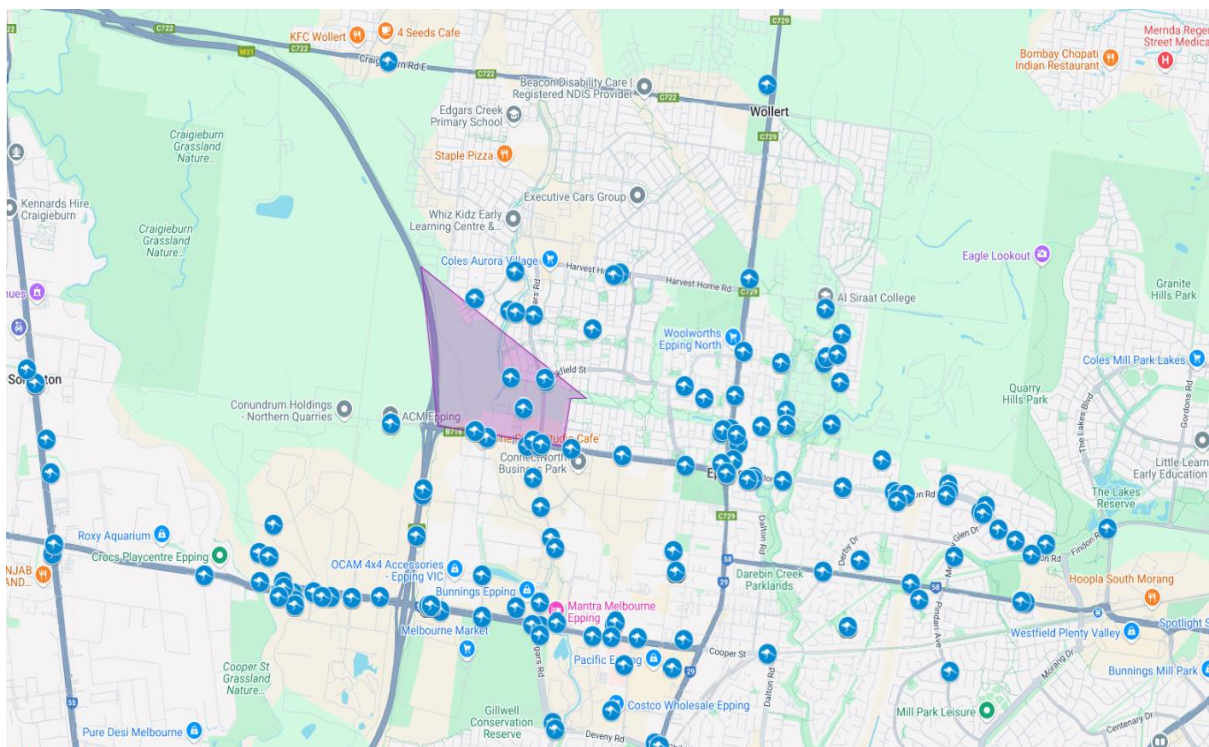


Figure 14: Wildlife Victoria kangaroo roadstrike cases Jan 2023 to Dec 2024 surrounding development site (purple).

International best practice standards to decrease wildlife road strike

Australia's "D" Rating on the Animal Protection Index

Australia has received a "D" rating on World Animal Protection's Animal Protection Index. This rating is partly due to the absence of a national legal framework that provides comprehensive protection for animals. According to the Index:

"There is no national Australian law applying to animal welfare and setting out basic principles and protections for animals, such as are contained in New Zealand's Animal Welfare Act 1999. Animal sentience is not explicitly recognised in Australian law, either at Commonwealth or at state and territory level. The Commonwealth Government does not take responsibility for animal welfare, and there is no national coordination." – World Animal Protection ¹³

In contrast, there are a number of jurisdictions which have national frameworks for issues surrounding wildlife conservation, rescue, treatment and care:

New Zealand

The Department of Conservation is supported by 25 pieces of legislation, including the Conservation Act 1987, Wildlife Act 1953, and Marine and Coastal Area (Takutai Moana) Act 2011. However, even with this legal infrastructure, there are no specific provisions dealing with wildlife road trauma or collision monitoring.

Namibia

Similarly in Namibia, the constitution expressly establishes conservation and ecological principles. The national framework of conservation laws includes the Nature Conservation Ordinance 4 of 1975, the Nature Conservation Amendment Act 5 of 1996, the Game Products Trust Fund Act 7 of 1997, Government Notice 240/1976, Regulations Relating to Nature Conservation (August 25, 1976); and the Controlled Wildlife Products and Trade Act 9 of 2008 (CWPTA). While these laws are considered to be reasonably sophisticated particularly in relation to the protection of animals from issues such as poaching¹⁴ they do not address issues around wildlife roadstrike and monitoring thereof.

Teaching Drivers to Navigate Wildlife Hazards

In many European countries, driving instruction includes mandatory components for navigating hazardous weather conditions such as rain, snow, and ice. These programs may include specific winter driving lessons, assessments, and a focus on appropriate safety equipment and practices.

¹³ World Animal Protection 'Welcome to the Animal Protection Index' (Web Page) <<https://api.worldanimalprotection.org/>>.

¹⁴ [ARTICLE: The Future of Conservation in Namibia: Making the Case for an Environmental Court and Legislative Reforms to Improve Enforcement of Wildlife Crimes, 32 Tul. Env'tl. L.J. 49](#)

In contrast, Australia does not currently require federal driver education regarding wildlife presence. New drivers are not systematically taught to reduce speed or increase vigilance in areas where wildlife is common, particularly during high-risk times such as dawn and dusk. Moreover, there is a lack of nationally standardised guidance on how to respond if a collision with wildlife occurs. For example, in Victoria, best practice involves checking the animal (when safe to do so) and contacting Wildlife Victoria for assistance. There is scope for a more consistent, nationwide approach to ensure both human and wildlife safety on roads.

Wildlife infrastructure overseas – some examples

There are several international precedents for wildlife infrastructure:

1. United States of America

1. Federal Government

The Wildlife Crossings Program was established by the Infrastructure Investment and Jobs Act of 2021 on 15 November 2021 and is set out in §171 of the United States Code.¹⁵ The program authorises \$350 million total, in the form of grants to eligible entities,¹⁶ for projects which seek to achieve a reduction in the number of wildlife-vehicle collisions, and in doing so, improve habitat connectivity for terrestrial and aquatic species.

2. Virginia

In Virginia, § 29.1-579 of the Code of Virginia¹⁷ relevant government departments were required to develop a "Wildlife Corridor Action Plan" by 1 September 2022 which is updated every 4 years thereafter. The plan must, amongst other things:

1. Identify wildlife corridors, existing or planned barriers to movement along such corridors, and areas with a high risk of wildlife-vehicle collisions; and
2. prioritise and recommend wildlife crossing projects intended to promote driver safety and wildlife connectivity.

Additionally, the departments are required to assist state agencies, political subdivisions, and any federal agency to consider and incorporate, where applicable, wildlife corridors and the recommendations of the plan when developing any strategic plan, map, or action.

Further, pursuant to §10.1-1188.1. of the Code of Virginia,¹⁸ as part of the environmental review it conducts for a road or highway construction project, the Department of Transportation is required to include in an environmental impact statement a list of any existing terrestrial or aquatic wildlife corridor identified in the Wildlife Corridor Action Plan.

¹⁵ <https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title23-section171&num=0&edition=prelim>

¹⁶ <https://highways.dot.gov/federal-lands/wildlife-crossings/pilot-program>

¹⁷ <https://law.lis.virginia.gov/vacode/29.1-579/>

¹⁸ <https://law.lis.virginia.gov/vacode/10.1-1188.1/>

Additionally, in the design options for any road or highway construction project that threatens wildlife connectivity in a corridor identified in the Plan, the Department is also required to consider measures for the mitigation of harm caused by the road to wildlife.

3. California

In California, on 30 September 2022, the State signed into law the Safe Roads and Wildlife Protection Act¹⁹, which requires the Department of Transportation to prioritise wildlife crossing structures when improving or building roads. Additionally, the Act requires state agencies to develop a project list for areas where wildlife crossings could reduce vehicle collisions and facilitate wildlife movement.

Most recently, on 27 September 2024, the State signed into law the Room to Roam Act²⁰ which establishes a policy requiring local governments to consider and implement measures to protect and improve wildlife connectivity through land-use planning.

3. United Kingdom

In the UK, there is a mandatory Biodiversity Net Gain (**BNG**) requirement for most new developments, including roads, whereby developers must deliver a BNG of 10%.²¹ The intention of this requirement is so that a development will result in more or better quality natural habitat than there was before the development.

4. Netherlands

The Netherlands, with one of the most densely developed infrastructure networks in Europe, is widely regarded as a leader in the strategic planning and implementation of wildlife crossings aimed at preventing habitat fragmentation and restoring ecological connectivity.

Section 1.3 Article 1.6 of the Environment and Planning Act of the Netherlands²² states that "Every party shall take sufficient care of the physical environment." Additionally, article 1.7 states that "every person who is aware or who may reasonably suspect that his or her activity may adversely affect the physical environment shall be obliged:

1. to take all measures that may be reasonably expected of him or her to prevent those consequences,
2. insofar as those effects cannot be prevented: to minimise or undo those consequences as much as possible,
3. if those effects cannot be sufficiently limited: to refrain from that activity insofar as that may reasonably be expected of him or her.

¹⁹ https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB2344

²⁰ https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1889

²¹ [Schedule 7A of the Town and Country Planning Act 1990](#) (as inserted by [Schedule 14 of the Environment Act 2021](#))

²² <https://iplo.nl/regelgeving/omgevingswet/english-environment-and-planning-act/>

Further, the Netherlands' road infrastructure defragmentation program, Meerjarenprogramma Ontsnippering ran from 2005 to 2018. At the end of the program, 126 ecological barriers had been removed, which was 72% of the revised target of 176 barriers.²³ The "most effective" ecological gains of this program were "ecoducts (wildlife crossing bridges) followed by shared-use viaducts and large fauna tunnels", however, ecoducts were the most costly measures in the program.²⁴

5. Mexico

Mexico has enacted legislation mandating the inclusion of wildlife crossings in all new road, highway, and freeway construction projects, as well as in the modernisation of existing infrastructure.²⁵ This legislative change aims to reduce wildlife-vehicle collisions and mitigate habitat fragmentation by ensuring safe passage for animals across transport corridors.

The Article 22 Bis of the Federal Roads, Bridges, and Motor Transport Law was officially published in the Official Journal of the Federation on 15 November 2023 and states that:

*For the design of new road, highway and freeway constructions, as well as for the modernisation of existing ones, the Secretariat, observing the protection and conservation of ecosystems, must consider, in its design and in its conservation plan, the implementation of wildlife crossings.*²⁶

²³ <https://www.clo.nl/en/indicators/en205113-habitat-defragmentation-measures-for-infrastructure-2018>

²⁴ <https://link.springer.com/article/10.1007/s10980-020-01047-z>

²⁵ <https://www.wildlandsnetwork.org/news/huge-step-for-mexicos-biodiversity-mandating-wildlife-crossings-in-infrastructure-projects-nbsp>

²⁶ https://diariooficial.gob.mx/nota_detalle.php?codigo=5708639&fecha=15%2F11%2F2023&utm#gsc.tab=0

Current methods of collating data on wildlife road strike and its effectiveness

Wildlife Victoria Data and Infrastructure

Wildlife Victoria maintains a comprehensive time series record of wildlife roadstrike incidents across the State. Each record is captured across an integrated technology platform that includes voice technology (VoIP), messaging technology and a Salesforce CRM with years of data storage. Wildlife Victoria has maintained an integrated technology platform for recording and storing wildlife roadstrike incidents for several years and substantially upgraded the platform in 2020. Subsequently, continuous technology improvements are made, and Wildlife Victoria is soon introducing video calling capability to enable real time triage of wildlife incidents through instant visual recognition of species and situations. Wildlife Victoria maintains both on-premise and cloud technology infrastructure, and a security framework governed by an Information and Cyber Security policy that includes role based permissioning across systems access. Wildlife Victoria engages with its volunteers in real time, with volunteers having access to a WildNet portal to obtain case information, accept cases and update case records with outcomes. Emergency Response Operators are provided with substantive training and ongoing reviews to ensure data integrity and quality assurance. Wildlife Victoria maintains business continuity planning and a technology incident management framework to ensure continuity of operations during any unplanned outages.

Wildlife Victoria provides two methods for members of the public to report wildlife roadstrike – an online web reporting form and a phone based emergency response service staffed 24/7, 365 days a year. Wildlife Victoria retired the online app previously in place for reporting incidents as it was not utilised by the public as a preferred method of reporting, with members of public preferring to speak directly to a trained emergency response operator during a wildlife emergency. Online reporting typically comprises around 7% of total reports for sick, injured and orphaned wildlife and is rarely the preferred method of reporting for wildlife roadstrike where the animal is injured but still alive.

Data Integrity and Effectiveness

Wildlife Victoria's data is proprietary to the organisation and is utilised to manage operational response and drive key internal decision making across aspects such as workforce planning and standard operating procedures. Data contained within the Wildlife Victoria database contains information that is managed in accordance with Wildlife Victoria's Privacy Policy and in compliance with the Privacy Act. Wildlife Victoria's data also plays a key role in supporting the organisation's advocacy and strategic efforts and the database represents a sizeable cost base of the Wildlife Victoria Emergency Response Service. Access to the data is managed carefully and is provided strictly on a fee for service basis and typically only to government bodies.

Wildlife Victoria records a "Cause Type" for each wildlife incident reported to the Emergency Response Service. In addition to the "Hit by Vehicle" cause type, other cause types including "Found on Ground" can include wildlife impacted by road trauma that have crawled away from the scene of the collision or have been found on properties after the incident. While members of public will report all species of wildlife hit by vehicles to Wildlife Victoria if the animal is still alive, it is typically only deceased marsupials that are reported to Wildlife Victoria given risk of live pouch young being present. It is rare that members of public report non marsupial deceased wildlife taxa such as birds or reptiles as these species typically do not require an operational response (a "pouch check" for

dependent young). Therefore, Wildlife Victoria anticipates the number of wildlife roadstrike cases to be substantially higher than that captured in its own database.

Sector fragmentation and impact on data collation and integrity

Wildlife Victoria reiterates that there is no legislative overlay across wildlife rescue in Victoria and the sector is fragmented and uncoordinated – while Wildlife Victoria is the largest and only statewide wildlife rescue charity in Victoria, a number of small and localised wildlife rescue groups exist comprising volunteers that do not have the same infrastructure that Wildlife Victoria has in place.

Wildlife Victoria has no visibility of the data collection methodology, storage, data policies or reporting of wildlife roadstrike attended to by rescue groups outside the Wildlife Victoria network. It is also common for members of public to call small rescue groups as well as Wildlife Victoria when seeking urgent assistance for wildlife still alive post roadstrike. This can delay the response to the animal and lead to duplication of both operational response and data. Some of Wildlife Victoria's own rescue volunteers may also fail to enter wildlife roadstrike cases into the Wildlife Victoria WildNet portal when they attending to an animal outside the Wildlife Victoria system (eg. driving past a deceased animal on the way to work that has not been called in by a member of public and checking the pouch). Wildlife Victoria does not consider it productive to impose disciplinary measures on volunteers who are not filling out these records given the stress associated with response to wildlife roadstrike and out of respect for the trauma impact wildlife roadstrike has on our volunteers.

Wildlife Victoria also reiterates that wildlife rehabilitators are licenced and overseen by the State Government and not Wildlife Victoria. Wildlife Victoria is aware that some wildlife rehabilitators will also attend to local wildlife roadstrike in a rescue capacity and Wildlife Victoria has no visibility again of data collection, reporting and management in these cases. Wildlife rehabilitators who are part of the Wildlife Victoria volunteer network have access to the Wildlife Victoria WildNet portal to enter their own case records into the system, but Wildlife Victoria is limited in its ability to enforce compliance with this given that the organisation has no legislative or oversight powers and accountability across rehabilitators.

DEECA requires wildlife rehabilitators to maintain records of wildlife in care and outcome of each animal. However, there is no requirement for wildlife rehabilitators to submit these records to DEECA, only to have the records available for inspection by a DEECA authorised officer.

Under-reporting of wildlife roadstrike

Wildlife Victoria contends that the majority of wildlife roadstrike goes unreported by the public. Wildlife Victoria's own staff and volunteers regularly stop to attend to deceased wildlife roadside to check pouches for young of wildlife that have not been reported by the driver who hit the animal nor any passing motorists.

A study conducted by Wildlife Victoria at Phillip Island in 2023 supported this assertion. Wildlife Victoria is not aware of any other such studies. Details of the study and its output is detailed over the page.

Case Study: Phillip Island 2023 Study

Overview

Wildlife Victoria conducted a comprehensive study at Phillip Island in 2023 at Wildlife Victoria's own cost to assess wildlife road strike on the island, in engagement with Phillip Island Nature Park, local volunteers and the local community. Phillip Island anecdotally experienced substantive wildlife road trauma, causing community unrest, local volunteer burnout and operational challenges for the Nature Park in responding to the issue.

Wildlife Victoria deployed two Wildlife Victoria vehicles to the island for a 7 day period spanning Easter 2023, operational from 4pm Wednesday 5th April to 4pm Wednesday 12th April. The Easter period was reported as being one of the highest periods of wildlife roadstrike on Phillip Island with very high tourist traffic.

Wildlife Victoria personnel lived on the island for the duration, with the team including veterinarians and veterinary nurses from the Wildlife Victoria Travelling Veterinary Service, and 3 operational staff, all experienced multi species wildlife rescuers. The team handled all wildlife response during this period, providing a reprieve for local volunteers and Nature Park personnel, and ensuring a controlled study to assess roadstrike including an operational framework for data integrity. The deployment was communicated to the local community and the Wildlife Victoria in field team were on call 24/7 throughout. The two Wildlife Victoria vehicles conducted proactive patrols across the entire island at dawn, at dusk and late at night.

Output

- The majority of wildlife incidents attended to were proactively found by the Wildlife Victoria team on one of 3 daily patrols on roads across the island. Drivers were not actively calling for help when seeing deceased or injured wildlife with 73 of the 105 wildlife incidents attended to proactively found by the Wildlife Victoria team. Only 20% of the wildlife attended to by the Wildlife Victoria team were called in by a member of public.
- No wildlife incidents were reported to the Wildlife Victoria team by drivers overnight, despite the dawn patrols finding 30% of impacted wildlife that had clearly suffered roadstrike injury between the time of end of night patrol (10.30pm) and dawn patrol (6am)
- The Wildlife Victoria team attended to 19 wildlife species, with 5% of the total being Eastern Barred Bandicoots having a conservation status of endangered (after previously being declared extinct in the wild on mainland Australia). All eastern barred bandicoots had been hit by vehicles, with one survivor dying despite veterinary attempts to save its life.
- The busiest day for wildlife incidents was the Easter Monday public holiday, with noticeably fewer wildlife incidents outside the public holidays.
- The majority (69%) of total cases attended to involved wildlife roadstrike. In most cases (72%) the wildlife were already deceased. There were no wildlife survivors of wildlife roadstrike, with the Wildlife Victoria veterinarians needing to perform urgent roadside euthanasia.



Figure 15: Deceased kangaroo on the side of the road post roadstrike.



Figure 16: Deceased koala roadside marked to show it has been pouch checked.

Conclusion

A framework for an integrated approach for wildlife rescue, treatment and care

The approach to wildlife roadstrike is fragmented, with the operational response being performed largely by unpaid wildlife charities, wildlife rescuers, veterinarians and wildlife carers. The system lacks an overarching framework that represents all aspects of the operational response value chain and is without an integrated and robust reporting and monitoring framework.

The scale of wildlife road strike, and its continuing growth, requires both improvements in operational response, but also in proactive and early interventions, particularly around incorporating wildlife considerations into urban planning and road infrastructure, and driver education, awareness and the imposition of a legislative or regulatory overlay.

Overarchingly, the current framework for wildlife protection in Victoria is failing. The Wildlife Act 1975 is insufficiently robust, failing to reflect contemporary community expectations or the scientific understanding of animal sentience and welfare. Wildlife Victoria has evidence of some wildlife roadstrike being an outcome of deliberate acts of cruelty, such as members of the public intentionally running over wildlife, yet the State Government Office of Conservation Regulator (OCR), which bears responsibility for enforcement under the Wildlife Act 1975, lacks the legal powers, staffing, and strategic prioritisation required to manage the scale and severity of these issues.

Veterinary evidence further reinforces the urgent need for reform. Wildlife routinely suffer horrific injuries, including crushed bones, internal trauma, and severe open wounds, with dependent young often left to die slowly in the aftermath. These are not just welfare issues; they are indicators of a systemic failure in our duty of care to wildlife as a society.

The scale, frequency, and severity of wildlife roadstrike in Victoria has reached a crisis point.

Without immediate intervention, the current model which is heavily reliant on overburdened volunteers and under-resourced organisations will become unsustainable. Volunteer wildlife emergency responders are carrying a disproportionate burden, filling the gaps left by a fragmented and underpowered regulatory system.

To address these challenges meaningfully, a **centralised national wildlife framework** must be established. This would ensure consistency in policy, legislation, and enforcement across jurisdictions, as well as enable a more strategic and well-resourced response to wildlife suffering.

These recommendations call for a **government response that formally recognises wildlife rescue as a public service**. Centralised coordination, consistent legislative backing, sustainable funding, and strategic planning are essential for improving outcomes for wildlife, supporting volunteers, and enhancing community safety and wellbeing.

Without decisive and immediate government action at the state and national levels the current system will continue to deteriorate, with devastating consequences for Australia's native wildlife.

Acknowledgements

Wildlife Victoria gratefully acknowledges the invaluable contributions that have shaped this submission to the Wildlife Roadstrike Inquiry. We extend our sincere thanks to the legal team at **K&L Gates** for their generous pro bono research support throughout the preparation process. We also thank **Adjunct Professor Dr Christopher Corns** of La Trobe University for his expert input, which has helped inform the broader legal and ethical context of this issue.

We also wish to acknowledge the dedicated wildlife volunteers who generously shared their experiences and insights, which are central to understanding the real-world impacts of wildlife roadstrike. To all volunteer wildlife rescuers, veterinarians and volunteer wildlife carers, we thank you for your tireless efforts, compassion and care in both saving lives and easing suffering of our native animals who are without a voice. We also acknowledge the hard work of the Wildlife Victoria team, especially our own frontline workers – the Wildlife Victoria emergency response operators and the Wildlife Victoria veterinary team.

Our deep appreciation goes to the members of the public who continue to contact Wildlife Victoria, often in moments of distress, to report roadstrike incidents, your compassion drives the urgency of our work. And to those members of public who support Wildlife Victoria with donations, it is because of you that we can keep doing the work that we do. Thankyou.



Figure 17: Deceased kangaroo and joey.

Appendix

A research paper prepared for Wildlife Victoria submission to Victorian parliament

Dr Chris Corns: Adjunct Professor, School of Law, La Trobe University

Wildlife as an asset of the Crown and the role of veterinarians in assisting injured wildlife

Background

This paper concerns the second topic on the Victorian parliamentary committee Terms of Reference. In broad terms, the topic is who is (or should be) responsible for the provision of care, including veterinary services, for injured wildlife as a consequence of road strike (or natural disasters such as fire and flood). Within that broad issue is the more specific topic of the role of the veterinary profession in the care and treatment of injured wildlife, and whether any reforms are required to existing laws.

This paper presents the following four inter-connected arguments-

1. *The concept of the Crown being the “owner” of all wildlife is problematic because-*

- (a) conventional principles of property ownership do not easily apply to wildlife animals asserted to be owned by the Crown or the State. Whilst animals are categorised under the common law as property, that categorisation has been historically limited to domestic animals and it is difficult to conceptualise wildlife as “property” in the sense of being subject to full beneficial or absolute ownership. At common law, wild animals do not belong to any person;
- (b) even where Crown ownership of wildlife is asserted, any applicable statutory provisions relate more to the financial exploitation of any proprietary interest (by way of licences, permits and royalties) than the health and welfare of wildlife. In other words, in economic terms, wildlife is treated the same as other physical assets of the State and that is because the legal status of animals (at least those capable of being owned) is that of “property”. Simply asserting that the Crown/State is the owner of wildlife does little, if anything to recognise the value of wildlife and the value of those who care for injured wildlife;

2. *Assisting injured wildlife is a “public good” performed by the veterinary profession.* The notion of the public good is complex but means, for example, there is no private client to pay all the veterinary costs, the community as a whole benefits from the services, and there is no other agency available to perform the services. The attending vet will be lucky to receive any financial recompense for their time and expertise. The public good also encapsulates the idea that vets are acting in the broad public interest by helping the most vulnerable categories of animals. Helping the most vulnerable of animals is itself the public good. This relates to the general nature and quality of any society.

3. *Unlike other members of the community, veterinarians have a legal and professional obligation to care for and treat any animal in distress-regardless of the category of the animal (wildlife, farmed or*

domestic). This is a “core” professional duty which cannot be avoided.²⁷ A logical and compelling consequence of this obligation on veterinarians is that they should be financially compensated for the time and other resources put into caring for injured wildlife. It is difficult to think of any profession where society and governments expect the professional to provide their expert services for free;

4. Although the veterinary profession provides “essential services” in a literal sense, the *value and role of veterinarians in Australia has tended to be grossly undervalued* and underestimated. Veterinarians have been seen as the “second cousin” of medical practitioners who provide assistance to human patients, including humans who are the victims of road strike.²⁸ It is for these reasons that governments have ignored crucial issues such as recognition of veterinarians who attend to road strike victims, and payment for their services.

As a consequence of the legal status of animals as property, those who care for the health and welfare of animals are perceived (culturally, socially and politically) as of less value than those health professionals who care for the health and welfare of humans.

The problem of financial payment for vets who care for injured wildlife is simply part of a much broader set of problems and challenges for the veterinary profession in Australia. Until there is broader shifts in social and cultural perceptions of animals in general, and those who care for animals, tinkering with legislative provisions is unlikely to make any significant changes to the historical neglect of the animals and the carers.

It is suggested that significant reforms are required at various levels to achieve meaningful change. A number of reforms are suggested at the end of this paper.

Animals as property

The idea that the Crown is the owner of wildlife is premised on the idea that animals have the status of “property” which is capable being owned. As an item of property, animals (domestic and livestock) can be owned, sold, leased, bailed, abandoned, and be the subject of legal dispute as to who has title to the animal and who is responsible for the animal. An animal is thus a personal chattel. The legal status of animals as property permeates much of the common law in areas such as tort law, family law, contract, and animal welfare law.

For these reasons the idea that animals have the status of property needs to be examined a little deeper.

²⁷ A failure by a veterinarian to provide care (or inadequate care) for an animal in distress can be grounds for either an allegation of professional misconduct (prosecuted in the relevant Civil and Administrative Tribunal) or a criminal charge prosecuted in the local court. Such allegations or charges are rare because the veterinary profession in Australia operates to a very high level of standards and skill.

²⁸ For example, veterinarians are not considered to be a health profession under the *Health Practitioner Regulation National Law* and are thus denied all the benefits under that regulatory regime. Apart from the Northern Territory, veterinarians are denied access to E-scripts. Veterinarians are subject to eight separate (and different) regulatory schemes whereas the 16 health professions are subject to one (ie the *National Law*).

Historical background

The principle that animals are property originated in Roman laws and was cemented within Anglo common law by early authorities such as Blackstone.²⁹

Roman law contained a detailed set of rules concerning animals. Roman law recognised three basic categories of persons, things and actions. “Things” (res) lacked the capacity to reason and had no legal rights. Animals were things.³⁰ As a thing, an animal could be purchased, stolen, or leased. The owner of the thing could decide its fate (eg to sacrifice it).³¹ Animals which were beasts of burden (such as draft horses, oxen) were further classified as *res Mancipi* for which a formal mode of conveyance was required in order to transfer ownership whereas for other type of “owned” animals, ownership did not need to be effected by a formal transaction.

The progeny of an animal also belonged to the owner of the animal.

Perhaps the most important distinction in Roman law was between domestic animals and wild animals. Domestic animals were categorised as *mansuetae naturae* (domestic by nature) and wild animals as *ferae (ferox) naturae* (wild by nature). This distinction is still found in contemporary common law. The distinction is important in terms of how the title to an animal was acquired (or lost) and who was responsible for the animal.

Under Roman law, wild animals were considered as not belonging to any person (*re nullius*). Any person who took possession of a wild animal became the legal owner of the animal (the principle of *occupatio*). It did not matter if the animal was on another person’s land or your own land. Thus, a person could seize a wild deer or bird and become its owner so long as the person had control over the animal.³² Once the person lost control of the animal then ownership was also lost. For example if the animal wandered off back to the wild.³³ This was not the law with a domestic animal so that if it wandered off, the owner still had absolute title to the animal even though they have lost control of it.

²⁹ The influence of Roman law on the common law has tended to be underestimated. For a detailed exposition of the relationship see A Emmett, *Roman Law Under the Southern Cross*, The Federation Press, Sydney 2025. Also see P Birks and G McLeod, *Introduction in Justinian’s Institutes*, Cornell University Press, New York, 1987.

³⁰ As were slaves. Slaves were recognised as sentient beings but this was not considered inconsistent with the denial of human rights.

³¹ Under contemporary law, the owner of an animal has the ultimate say as to whether or not to euthanise the animal.

³² Justinian’s Institutes 2.1.18.

³³ Ownership of wild bees and birds were treated differently. If a swarm of wild bees established a hive on your land the bees belonged to you but if they flew off and established the hive elsewhere then you were no longer the owner. Once the animal lost the inclination to return to your land then you have lost any claim of ownership.

Some wild animals were recognised as capable of being tamed. These could be let out to wander in the wild and then return to the owner (*animus revertendi*).³⁴ Examples were deer and birds.

Roman law also recognised a system of compensation if an animal belonging to A caused injury to B.

Thus, Roman law recognised domestic animals as property of the owner and recognised that wild animals did not belong to anyone.

By the 18th century, the principle that animals are property was well established in English common law as well as the distinction between wild and domesticated animals.³⁵

Modern common law

Modern common law recognises the basic distinction between wild animals and domestic animals. The distinction between the two may sometimes be blurred but wild animals are also referred to as “fauna”, “feral”, “wildlife” and “native animals”.³⁶ Domestic animals are “all those domestic or tame animals as by habit or training live in association with man”.³⁷

Domestic animals can be the subject of absolute ownership whereas ownership of wild animals is more complex and problematic. According to Cao-

“Living wild animals can be classified as not being the object of property, such as wild life in the natural state not under any direct human control, or as being the object of qualified property, such as those under direct human control. For the former, they are not goods or chattels as they are not owned by anyone.”³⁸

Wild animals which are not under the direct control of humans do not belong to any person. In several cases the High Court has stated that at common law, animals in the wild are not property.³⁹

³⁴ In *Queen v Gad* [1911] QWN 31 the dispute concerned ownership of a swarm of wild bees.

³⁵ See for example, William Blackstone, *Commentaries on the Laws of England*, Book II pp 14, 391, 395.

³⁶ D Cao, *Animal Law in Australia*, 3rd ed, Thomson Reuters, 2023 at 101. In general, animal welfare laws do not distinguish between wild and domestic animals.

³⁷ *Halsbury Laws of England*, 5th ed, Lexis Nexis, London 2008 at [708].

³⁸ D Cao, *Animal Law in Australia*, 3rd ed, Thomson Reuters, 2023 at 102-103.

³⁹ *Waldon v Hensler* (1987) 163 CLR 561 at 566. Waldon was an aboriginal elder charged with taking protected fauna (turkeys) without a licence. Waldon has taken two turkeys as “bush tucker” to feed his family-which was an accepted part of aboriginal culture. Section 7 of the Fauna Conservation act 1974 (Qld) vested property of all wildlife in the Crown. The High Court held that at common law the plaintiff was entitled to take the animals as the owner or lessee of the property had consented to the taking of the animals. However, the plaintiff could not rely on the defence of honest and reasonable mistake.

At common law in Australia domestic and farmed animals (non-wild) continue to remain as property.⁴⁰

Vesting property in the Crown

The common law position that wild animals do not belong to any person has been altered by some modern legislation which vests property in those animals to the Crown or the State so that the Crown becomes the “owner” of the animals.⁴¹

Crown ownership rights in those animals can be partially transferred to a third party through the issuing of a licence or permit or some other authority which authorises the recipient to lawfully kill and take the animals within the specified authority. When the animal is taken lawfully, property in the animal transfers to the licensee.⁴²

CROWN AS STATUTORY OWNER OF WILD ANIMALS

The formal legal relationship between the Crown and wildlife varies between jurisdictions. In three jurisdictions (NSW, Qld and WA), legislation specifically asserts that property in wildlife (and their progeny) is vested in the Crown/State. In those jurisdictions, property (ownership) can be transferred from the Crown/State to a private individual via the issuing of licences and permits.

The relevant legislation does not set out the implications of that proprietary interest but in Queensland, legislation asserts that the State will not be liable for an act or omission just because the State is the owner or has property in the wildlife. This denial of liability does not however exclude other possible bases of State liability.

In the remaining jurisdictions there is no explicit assertion of the Crown/State owning wildlife or property being vested in the Crown. However, in the Northern Territory, several legislative provisions indirectly acknowledge that the Territory can be the owner of wildlife or have property in the wildlife. This adds to the ambiguity surrounding the legal status of wild animals.

In four jurisdictions (Northern Territory, South Australia, Tasmania and the ACT), legislation creates the right of the State to impose levies on persons who lawfully take wildlife.

For those jurisdictions where there is no express reference to the Crown/State owning wildlife, it can be inferred that the common law position applies. That is, that wild animals do not “belong” to any person. This does not mean that the State has no responsibilities towards wildlife.

The following is brief summary of the relevant laws in each jurisdiction.

⁴⁰ L Petrie, “Animal Law: Animals as property and the implications for veterinary practice”, Flinders Law School, Proceedings of the AVA Annual Conference Adelaide, 2011.

⁴¹ The term “the Crown” is used in this paper as literally refers to the prevailing monarch of the United Kingdom but who is represented by the Governor or Governor-General in Australia. In a more informal use, the Crown refers to the government of a State or Territory or the commonwealth.

⁴² A licence or other permit is needed because it is in general an offence to take wildlife.

New South Wales

In New South Wales, s 2.18 of the *Biodiversity Conservation Act 2016* (NSW) (BCA) states-

“(2) A protected animal (other than an excluded protected animal) is, until lawfully captured or killed, deemed to be the property of the Crown.

(3) A protected animal is, when liberated in New South Wales, deemed to be the property of the Crown.

(4) A protected animal that is deemed by this section to be the property of the Crown does not cease to be the property of the Crown merely because a person other than the Crown-

(a) takes possession of it because it is incapable of fending for itself in its natural habitat, or

(b) takes or obtains it under and in accordance with a biodiversity conservation licence that declares that any animal so taken or obtained remains the property of the Crown.

(5) The progeny of any protected animal that was born at a time when the protected animal was in the possession of a person in the circumstances referred to in subsection (4) is, at the time of birth, deemed to be in the lawful possession of the Crown instead of that person.”⁴³

Property in a protected animal thus remains in the Crown until the animal is either lawfully captured or killed. Property in the animal transfers upon a lawful capture or killing, to the licensee or holder of an authority. If an injured protected animal is rescued by an emergency care agency, property in the animal remains in the Crown. The rescue agency could be described as having temporary “custody” or “guardianship” of the animal. If a veterinarian is attending, the animal is “under the care” of the vet.

Queensland

In Queensland, s 83(1) of the *Nature Conservation Act 1992* (Qld) (NCA) states that all protected animals are the property of the State, subject to the operation of s 83(2)-(5) and s 85 and 86.⁴⁴

A protected animal ceases to be property of the State if-

(a) The animal is taken under a licence, permit or other authority issued under a regulation or

⁴³ A protected animal includes an animal of a threatened species or threatened ecological community (s 2.18(1). Protected animals are listed in schedule 5 of the BCA. An excluded protected animal includes (a) a protected animal that is at the time of birth in the lawful possession of a person other than the Crown (b) a protected animal imported into NSW (c) a protected animal that was lawfully taken or in the lawful possession of any person other than the Crown and not liberated prior to 1975 or (d) declared by the regulations. (s 2.18(1).

⁴⁴ For practical purposes there is no difference between property being vested in the “State” as distinct from the “Crown”. The effect is that the government of the State or Territory is responsible for the care of the animals.

- (b) Under a conservation plan, property in the animal passes from the State on the taking of animal.⁴⁵

A protected animal becomes the property of the holder of the authority, subject to the rights in the animal of any other person (NCA s 83(3)).

A protected animal that is the progeny of an animal to which s 83(2) applies, is the property of the owner of the progeny's female parent (NCA s 83(4)).

If a person is keeping an animal which is not a protected animal and the animal becomes a protected animal because of the making of a regulation, property in the animal does not pass to the State (NCA s 83(5)).

A protected animal means an animal prescribed as threatened, near threatened or least concern wildlife (Dictionary to NCA).

Any potential liability of the State arising from being the owner of protected animals is cut back by the operation of s 87 of the NCA which states "The State is not legally liable for an act or omission merely because protected animals and plants are the property of the State."

The scope of s 87 is unclear but it might absolve the government of any liability in respect of damage caused by wild animals to the property of third parties. The section might also exclude legal liability for an act or omission of the State relating to the welfare of wildlife.

Further, s 6 of the *Animal Care and Protection Act 2001* (Qld) states that that Act does not apply to the State for an animal only because it is (a) a protected animal or an animal in the wild under the *Nature Conservation Act 1992* and (b) the property of the State under that Act, another Act or the common law. It thus appears that the conventional responsibilities of animal owners under the ACPA do not apply to the State in respect of wildlife.

Western Australia

In Western Australia, s 146(1) of the *Biodiversity Conservation Act 2016* (WA) (BCA) states that "The property in fauna is vested in the State."

The property in fauna ceases to be vested in the State when it is lawfully taken by a person (BCA s 146(2)). Thus, property can be transferred if the taking is lawful but not if it is unlawful.

The property in the progeny of fauna is also vested in the State (BCA s 146(4)). This applies even if the fauna has been taken without lawful authority.

Property in fauna continues to vest in the State even where (a) fauna is taken under a licence or authorisation that permits the capture of fauna or (b) "injured fauna or abandoned fauna captured, rescued, received or temporarily cared for under s 161 or regulations referred to in that section" (BCA s 147(2)). The implications are unclear.

⁴⁵ *Nature Conservation Act 1992* (Qld) s 83(2).

The Minister can declare by order that property in fauna ceases to be vested in the State (s 147(3)).

Northern Territory

In the Northern Territory it seems the Territory does not positively assert property in wildlife or that the Territory is the owner of all wildlife. However, there are a number of legislative provisions which clearly imply that property in wildlife can be vested in the Territory.

For example, under s 43(4) of the *Territory Parks and Wildlife Conservation Act 1976* (NT) (TPWCA) all protected wildlife is protected wildlife “whether or not the property in the wildlife is vested in the Territory.”

Under s 57(4) of the *Territory Parks and Wildlife Conservation Act 1976* (NT) a permit authorising the taking of wildlife for commercial purposes is subject to the condition that if the property in the wildlife is vested in the Territory, the holder of the permit is to pay any royalties assessed under s 116.

Under s 62 of the *Territory Parks and Wildlife Conservation Act 1976* (NT) if wildlife is taken by a person under a permit, the wildlife becomes the property of the holder of the permit and that person can deal with the wildlife as its owner.

Under s 116(1) of the *Territory Parks and Wildlife Conservation Act 1976* (NT) the Minister can determine royalties in respect of wildlife the property of the Territory.

All of these provisions suggest that property in wildlife is vested in the Territory until it is transferred to a permit holder (s 62).

South Australia

In South Australia there is no provision which specifically vests property in wildlife in the Crown.

Under s 53 of the *National Parks and Wildlife Act 1972* (SA) the Minister can grant a permit to a person to take protected animals or their eggs.

Section 61(1) of the *National Parks and Wildlife Act 1972* (SA) states that the Governor may by regulation declare that royalty has to be paid on a specified animal, the skin or eggs of the animal or plants, taken by a person.

Tasmania

In Tasmania there is no provision which specifically vests property in wildlife in the Crown. However s 26 of the *Nature Conservation Act 2002* (Tas) regulations can be made regarding control of taking wildlife, and require the payment of royalties for the taking of wildlife.

Victoria

In Victoria the government does not assert ownership of wildlife or assert the vesting or property in wildlife in the Crown. However, various types of licences can be granted by government agencies which give the licensee the authority to take wildlife and deal with it as if the licensee was the owner.⁴⁶

Australian Capital Territory

In the ACT the government does not assert ownership of wildlife or assert the vesting or property in wildlife in the Crown. However, under s 307 of the *Nature Conservation Act 2014 (ACT)* if a person has been granted a licence to take a native animal, then if the licensee sells or otherwise disposes of the animal, the licensee must pay royalty to the ACT.

New Zealand

In New Zealand the general principle is that all wildlife is owned by the Crown but if the animal has been lawfully taken or killed “it shall cease to be the property of the Crown, and the property in that wild shall be deemed to be vested in the person by whom it was so taken or killed...”⁴⁷ However, the Crown is not liable in respect of damage done by wildlife.⁴⁸

The nature of the legal relationship between the State and the “owned” wildlife

In *Yanner v Eaton* (1990) 201 CLR 351, the High Court dismissed the argument that statutory Crown ownership of wild animals was equivalent to private ownership of domestic animals. Section 54 of the *Fauna Conservation Act 1974 (Qld)* (now repealed) stated that fauna was the “property of the State”. A majority of the Court held that under s 54, the Crown does not obtain full beneficial or absolute ownership. The reasons were (i) the problem of identifying which fauna is owned by the Crown (ii) it is problematic to say that the Crown has full beneficial or absolute ownership of a wild bird or animal.

The Court stated the concept of “ownership” connotes a legal right to have and to dispose of possession and enjoyment of the subject matter but the subject matter of s 54 (wild animals) remain beyond the possession and control of humans.

The majority of the High Court did not dispute that some kind of property right vested in the Crown but it was not equivalent to absolute or beneficial property that the owner of a domestic animal has

⁴⁶ The Secretary can grant a licence under s 22(1) of the *Wildlife Act 1975* (Vic) for a person to take or destroy wildlife or buy and sell wildlife. The Game Management Authority can grant a licence for a person to take or destroy birds. The Game Management Authority can grant a licence for a person to hunt, take or destroy “game” (s 22A). The Secretary can also issue a written authority to hunt, take or destroy wildlife. One purpose of an authorisation is to enable “the care, treatment or rehabilitation of sick, injured or orphaned wildlife (s 28A(f)).

⁴⁷ *Wildlife Act 1953* (NZ) s 57(2).

⁴⁸ *Wildlife Act 1953* (NZ) s 57(2).

in the domestic animal. The majority stated that when a statute vests ownership of wild animals to the Crown, it means that the Crown is acting on behalf of the general public. If the State asserts “ownership” of wild animals then that ownership is on behalf of the public (at 369).

It has been argued by some commentators that State legislation that deems wildlife to be the property of the Crown does not vest absolute ownership but rather vests ownership for the purpose of regulating “the way rights and interests can be granted by the Crown allowing a licencing and royalty system to apply to the taking and use of such animals.”⁴⁹

This is a useful view of the Crown vesting provisions. It emphasises the purposive nature of that vesting. However the economic benefits for the State have to be counter-balanced with responsibilities for the care and welfare of the wildlife being exploited. This is the major failing with the current regulation of assistance for road strike.

Legal and professional responsibilities of veterinarians to assist with injured wildlife.

The committee is looking at wildlife road strike in Victoria. This can (mostly) occur on country roads but also in urban areas. Vets are often called upon throughout the State of Victoria to assist in dealing with injured wildlife. In some cases the animal is presented to the veterinary clinic by a member of the public or a member of an emergency rescue agency or in some cases the vet is part of a travelling rescue team, often consisting of volunteers. The applicable responsibilities of an attending vet are the same regardless of the physical location of the road strike, the animal or the time of day.

The problem of veterinary care for road strike animals is part of a broader problem involving a larger cohort of animals including strays, homeless and abandoned animals. That broader problem is the existence of a social and governmental expectation that veterinarians will provide “public good” services with or without financial recompense. It is simply expected that if a stray, homeless or injured animal (wildlife or domestic) is presented to a veterinary clinic at any hour, the vet will provide the necessary veterinary treatment regardless of whether any payment is made or inconvenience.

The problem with this expectation is that it does not apply to other professions, including health professions.

This notion of the public good is also found in other aspects of the role of veterinarians. For example, veterinarians often play a crucial role in prosecutions for animal cruelty. These cases are usually commenced by animal welfare agencies such as the RSPCA. The vet can provide direct evidence of their observations in a particular case (eg when attending a property) or can provide expert evidence on behalf of the prosecution. Even though a vet has no legal obligation to assist in the prosecution (in most jurisdictions), the prosecution agency may simply assume or expect the vet to provide their services without any consideration for the welfare of the vet and regardless of whether the vet in fact wishes to play a role in the criminal prosecution. This is an under-researched area and beyond the scope of this paper.

⁴⁹ R Carey et al, *Review of Legislation and Regulations relating to Feral Camel Management* (Desert Knowledge CRC, Report 50, 2008) p 14.

Unlike the medical profession the veterinary profession does not receive any governmental subsidies such as Medicare or PBS. The veterinary profession is almost entirely funded by private sources. This creates very significant financial stresses on veterinary practices, and many clients feel aggrieved they are paying the full costs of all veterinary services including pathology and diagnostic tests.

These problems also need to be seen in the context of a shortage of veterinarians in Australia.

Veterinary responsibilities under Victorian law

Section 9(1)(c) of the *Prevention of Cruelty to Animals Act 1986* (Vic) (PCAA) states that an act of cruelty to an animal includes the situation where a person who –

“does or omits to do an act with the result that unreasonable pain or suffering is caused, or is likely to be caused, to an animal..”

The maximum sentence for an act of cruelty is 250 penalty units or imprisonment for 12 months for an individual and 600 penalty units for a body corporate (PCAA s 9).⁵⁰

This rule will apply to a veterinarian who is presented with an injured animal in an emergency.

Although the *Veterinary Practice Act 1997* (Vic) lacks any reference to this specific responsibility of a veterinarian, the Veterinary Practitioners Registration Board of Victoria (board) has interpreted s 9 of the POCAA to mean-

“Consistent with this legal obligation a veterinary practitioner must provide first aid or pain relief to minimise or alleviate the unreasonable or unnecessary pain or distress of an animal presented to them for emergency attention. The treatment or action taken by the veterinary practitioner should acknowledge the emergency nature of the circumstance and must not be delayed or withheld while payment for treatment is negotiated.

The obligation to treat through the provision of first aid and/or pain relief exists irrespective of whether:

1. the person bringing the animal to the veterinary practitioner is its owner;
2. the person bringing the animal to the veterinary practitioner has an established relationship with the veterinary practitioner and/or has previously attended their veterinary facilities
3. the animal is a stray, is lost or the owner is unknown, or

⁵⁰ Section 9(1)(i) of the PCAA also states that an act of animal cruelty is also constituted where a person is “is the owner or the person in charge of a sick or injured animal and unreasonably fails to provide veterinary or other appropriate attention or treatment for the animal.” This would apply to a vet attending injured wildlife.

4. the animal is an undomesticated or exotic species but not a declared pest animal.

The provision of first aid and pain relief includes carrying out euthanasia where it is determined to be the most appropriate management option for the animal's condition and ongoing wellbeing.

A declared animal pest presented to a veterinary practitioner for treatment must be euthanised as soon as practical."

This makes it clear that a veterinarian in Victoria has a legal duty to provide veterinary services to any injured wildlife presented in an emergency situation.

This principle also applies in the other jurisdictions. **Appendix 1** sets out the relevant laws.

Significantly, neither the legislation nor the veterinary board guidelines refer to the issue of payment for the veterinary services. The duty to provide the veterinary service is paramount. There is a clear implication that the veterinarian must carry out their responsibilities regardless of whether they receive any payment.

Often, the veterinary treatment for injured wildlife will be euthanasia. Euthanasiation of an animal can itself be a distressing event for veterinarians.

The following are some extracts from the submission of the Australian Veterinary Association (AVA) to the NSW parliamentary inquiry into the shortage of veterinary staff-

"The management of homeless animals, treatment of injured animals and ill animals (large and small) with no known ownership is expected when affected animals are presented to a veterinary practice. As these animals are either owned by the crown, unknown or displaced, the cost of care provided by the veterinary practice is generally unable to be recouped. The profession undertakes a number of roles in providing care to this group of animals and these require infrastructure, education, skills and equipment to deliver."⁵¹

"Financial impact affects the viability of veterinary businesses and on-flows to the remuneration and working conditions of veterinarians and staff".⁵²

"To improve access to veterinary care the AVA would like to see:

Government funded support of veterinarians to be able to provide more affordable and accessible veterinary care to those who qualify. Including support for veterinary

⁵¹ Australian Veterinary Association, *Submission to the New South Wales Inquiry into the veterinary workforce shortage in New South Wales*, July 2023 p 8.

⁵² Ibid p 8.

care of animals not privately owned such as wildlife, stray, homeless and feral animals".⁵³

"There is an assumption that veterinarians must carry out the requirements of certain legislation for free. No recompense is referred to in either the Act, Regulation or associated documents. For example, all registered veterinarians have treatment obligations to provide essential veterinary services to relieve pain and suffering to achieve legislated animal welfare. Without government funding, the cost of maintaining animal welfare for animals without an owner (strays and wildlife) is borne by veterinary businesses or involved veterinarians."⁵⁴

"There is little data available as to the social and financial value of the delivery of private funded veterinary care to wildlife. The data available provides evidence that private veterinary practices are not able to recoup their costs, with 92% of survey veterinary respondents stating that they never or rarely received reimbursement for services provided to wildlife. Furthermore, in that study it was estimated that the cost borne by each veterinary practice annually were \$111,000."⁵⁵

"The wildlife data available suggests that most practices would see around 260-520 wildlife cases /year which in 2016 suggested an annual case load for NSW of 177,580-355,160 patients. This is considerably higher than the number presented to rehabilitation and wildlife carers in NSW, which was 226,474 wildlife over a 6 year period from 2005-2011".⁵⁶

Recommendation 10 of the AVA was "The New South Wales government commit funding to develop and implement a framework that provides regulatory and appropriate financial support to the provision of veterinary services for lost, stray and homeless animals, injured wildlife and during emergency situations provided by all sectors of the profession (charities and the private veterinary sector)."⁵⁷

NSW Parliamentary Committee

The NSW parliamentary inquiry into the shortage of veterinarians was persuaded by the submissions of the AVA. The following are some extracts from the committee's final report-

"The committee found that the current regulatory framework is likely to be contributing to some of these stressors as it places an obligation for vets to provide treatment for any animal placed into their care. In particular, veterinarians are obliged to treat injured wildlife and lost, stray, and homeless animals. Often this occurs with very little or no recompense for

⁵³ Ibid p 11.

⁵⁴ Ibid p 42.

⁵⁵ Ibid p 50.

⁵⁶ Ibid p 50.

⁵⁷ Ibid p 12.

their services. This practice is not sustainable. To address this issue, we have recommended that the NSW Government provide dedicated ongoing funding for the provision of veterinary services to wildlife. We have also made recommendations to help ensure local government authorities collect stray animals from licences veterinary clinics.”⁵⁸

“That veterinarians provide a significant public good by providing services to injured wildlife, and stray, lost and homeless animals that is not currently appropriately recompensed by the NSW Government.”⁵⁹

“That the provision of after- hours care has a significant impact on the veterinarians’ health and wellbeing.”⁶⁰

The **first** recommendation of the Committee was –

“That the NSW Government provide dedicated, ongoing funding for the provision of veterinary services to wildlife, including for:

- wildlife rescue organisations
- existing wildlife hospitals
- support the expansion of wildlife units at other hospitals
- private veterinary practices to contribute to reasonable costs for services.”⁶¹

An independent review of the *Biodiversity Conservation Act 2016* (NSW) by Dr Ken Henry in 2023 also noted that even though the Crown is the owner of wildlife, the Crown does not contribute to the costs of caring for injured wildlife. Recommendation 46 of the Review was to consider reimbursing vets for costs of providing services to injured wildlife (pp 35 and 39).

The situation in New South Wales is likely to be the same in Victoria and the same type of reforms advocated by the NSW parliamentary committee are needed in Victoria. Specific funding for veterinarians attending injured wildlife (not limited to road strike) is justified not only in terms of equity (compared to other health professions) but also in terms of much needed resources to provide the necessary services.

Reforms

It is suggested that based on the above discussion the Committee should consider the following reforms:

- (a) *The Wildlife Act 1975* (Vic) should be amended to include a specific provision granting any veterinarian who attends injured wildlife and provides veterinary treatment to be

⁵⁸ New South Wales Portfolio Committee No 4, *Veterinary workforce shortage in New South Wales*, Report No 58, June 2024, p viii. The Committee stated “stakeholders noted that despite being obliged to treat wildlife, vet practices are often not recompensed for this service...” [2.24].

⁵⁹ Ibid p x (Finding 3).

⁶⁰ Ibid p x (Finding 4).

⁶¹ Ibid p xii.

compensated by the State for all reasonable costs incurred. Funding could be by way of consolidated revenue or fees paid by, for example, persons granted licences or permits to hunt and fish. Regulations could provide for the administrative arrangements for payments.

- (b) A Preamble to the *Wildlife Act 1975* (Vic) should include a statement, to the effect, that the State of Victoria is the custodian of all wild animals on behalf of all citizens of Victoria, and that as custodian, the State is responsible for the care and welfare of all wildlife.
- (c) The Committee recommend an independent inquiry be conducted by a committee of the federal parliament into the regulation and role of the veterinary profession in Australia.

Appendix 1: Provision of veterinary after-hours and emergency services

Jurisdiction	Presentation of sick, injured or lost animal at any time	Required information regarding access to after-hours services	Continuing care obligations	Veterinary services required after hours
Victoria	Must provide first-aid and /or pain relief when presented with animal in unreasonable or unnecessary pain or distress. ⁶² Guidelines 3.1	Must communicate its normal hours: Guidelines cl 16.1. Must advise clients how to access services out of hours: Guidelines cl 6.3 and cl 16.2	Vet should arrange continuing care before accepting the animal: Guidelines cl 16.4. If after care needed after hours-vet must advise owner of available resources and impact on recovery if attendance restricted: Guidelines cl 16.6	No provisions
ACT Veterinary Practice Act 2018 (ACT)	Must provide first-aid and /or pain relief when presented with animal in unreasonable or unnecessary pain or distress. ⁶³	All veterinary premises must display days and hours of attendance, how to access after-hours vet services; cl 12 and cl 66 VPVS. ⁶⁴	Vet should be available for continuing care before accepting the animal: Code p 2.	For vet hospitals only- .Minimum 2 vets in attendance to allow for concurrent treatment of emergency cases .provision of emergency medical and surgical treatment from a vet 7 days per week in the form of- .vet available all the time; or .24/7 access to vet by communication system; or

⁶² The scope of the obligation to provide first-aid could extend into housing the animal for some time.

⁶³ The *Animal Welfare Act 1992* (ACT) s 6B(1) states that a person who is in charge of an animal and who fails to give the animal appropriate treatment for illness or injury is guilty of an offence. Consistent with this legal obligation, a veterinary practitioner must provide first aid or pain relief to minimise or alleviate the unreasonable or unnecessary pain of an animal presented to them for emergency attention: Code of professional conduct p 1. This applies regardless of who brings the animal in, regardless of whether there is a VOA, and regardless of whether the animal is a stray or lost. Pain relief can include euthanasia. The scope of the obligation to provide first-aid could extend into housing the animal for some time.

⁶⁴ ACT, Veterinary Practice Veterinary Premises Standards 2018.

				.diversion of calls to another emergency care practice. ⁶⁵ .must be signage re contact details of the other emergency facility: cl 66.
NSW	Must provide first-aid and /or pain relief when presented with animal in unreasonable or unnecessary pain or distress. ⁶⁶	NA	Vet should arrange continuing care before accepting the animal, or make arrangements with another vet to provide that care: Code of conduct cl 8	NA
Qld	`Take steps to provide 24 hour emergency first-aid and pain relief to animals according to their skills and the specific situation...or direct client to another appropriate service': Code of conduct cl 1.4	Provide information to clients re `opening hours, including provision of after- hours services (in- house or external)': Code of conduct cl 2.5	Vet should ensure they are available for ongoing care when accepting an animal for care, or arrange for another vet to take over or refer client to another vet: Code cl 3.12	NA
NT	A vet `must not refuse to provide relief of pain or suffering to an animal	For all veterinary premises there must be a sign stating the telephone number and days	When accepting an animal for treatment or care the vet must ensure that he or she `is available for the ongoing care of	

⁶⁵ ACT, Veterinary Practice Veterinary Premises Standards 2018 cl 66.

⁶⁶ NSW Code of conduct cl 3. The *Prevention of Cruelty to Animals Act 1979* (NSW) s 5(3)(c) states that a person in charge of an animal must not fail where it is necessary for the animal to be provided with veterinary treatment, whether or not over a period of time, to provide it with that treatment.

	that is in his or her presence ⁶⁷ : Code of conduct cl 3(1). 'Relief' includes first-aid treatment or timely referral to another vet or euthanasia.	and times of attendance and 'arrangements for obtaining after hours services.' ⁶⁸ Mobile vet clinics must have signage showing arrangements for out of hours or emergency cases. ⁶⁹	the animal' or if not available make arrangements for another vet to take care of the animal: Code of conduct cl 9.	
WA	Vet must provide emergency relief to animals: Guidelines cl 2b. ⁷⁰	All veterinary premises must have a sign showing hours of business and contact for after-hours services: Guideline cl 1.11.	NA	NA
SA	Vet must provide first aid and pain relief to any animal; can be emergency relief or referral to another service: ⁷¹ Code of	When vet premises are unattended the vet must ensure that (a) phone calls can be redirected and answered by a vet or (b) recorded message with number of vet.	'A Veterinary Hospital is an establishment where veterinary services are available at all times, and where full facilities are provided for examination, diagnosis, prophylaxis, medical treatment and	For veterinary hospitals, accommodation and nursing for medical and surgical cases must be available 24 hours basis. If 24 hour not available, the hospital must be able to refer to services that are available for

⁶⁷ The *Animal Protection Act 2018* (NT) s 24(6) states that a person commits an offence if (a) the person is in control of an animal (b) the animal is suffering and the person knows it is suffering (c) the person intentionally fails to take action that is reasonable in the circumstances and the person knows would alleviate the animals suffering.

⁶⁸ Vet Board, Minimum Standards for Veterinary premises: cl B.

⁶⁹ Vet Board, Guidelines on mobile veterinary clinics Standard A.

⁷⁰ The *Animal Welfare Act 2002* (WA) s 19 (3)(h) states a person is cruel to an animal if the animal suffers harm which could be alleviated by the taking of reasonable steps.

⁷¹ The *Animal Welfare Act 1985* (SA) s 13(3) states that a person ill-treats an animal if the person 'intentionally, unreasonably or recklessly causes the animal unnecessary harm.' This is the least specific of all the relevant Acts.

	conduct cl 2(c).	Arrangements for obtaining vet services when the hospital is unattended must be displayed. ⁷²	surgery of animals. It provides where necessary, housing and nursing care on a 24hour per day basis for medical and surgical cases. ⁷³ .vet must be rostered on duty during all opening hours.	emergency care provider. ⁷⁴
Tasmania	A vet must not refuse to provide first aid and pain relief to an animal that is in their presence: VSS cl 2.2. ⁷⁵	A vet must provide to clients details of normal opening hours: VSS cl 5.1. 5.2 Vet must provide information on where and how to obtain veterinary services outside of normal business hours in all relevant communications with client and public.	5.3 vet must ensure that arrangements for continuing care of the animal has been put in place and agree to by the owner prior to accepting the animal for treatment or hospitalisation 5.5 where animal requires continuing care outside hours the vet must give the owner info re nature of supervision of animal and impact on recovery of restricted level of supervision.	

⁷² SA Vet Board, *Requirements for Accreditation of a facility as a veterinary hospital*. Cl B3. Where separate after hours services is used, an answer phone or diversion service must advise clients how to obtain direct veterinary care. Mobile phone services are acceptable: B3.

⁷³ SA Vet Board, *Requirements for Accreditation of a facility as a veterinary hospital*.

⁷⁴ SA Vet Board, *Requirements for Accreditation of a facility as a veterinary hospital* cl 12.

⁷⁵ The *Animal Welfare Act 1993* s 8 states that a person must not do any act 'or omit to do any duty' which causes unreasonable and unjustifiable pain or suffering. Under s 8(2)(g) this includes where a person has possession or custody of a sick or injured animal and fails to provide veterinary or other appropriate treatment for the animal.

