

Review

A Review of Australian Animal Welfare Legislation, Regulation, Codes of Practice, and Policy, and Their Influence on Stakeholders Caring for Wildlife and the Animals for Whom They Care

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Simple Summary: The Australian constitution does not mention native animals. Responsibility for animal welfare is largely retained by the states and territories via a fragmented, complex, contradictory, inconsistent system of regulatory management. The problem this creates for volunteers undertaking the rescue and rehabilitation of native animals is complex. Capturing and rehabilitating wild animals goes against regulations. In most jurisdictions, it is illegal to microchip, band, or mark an animal, making it almost impossible to monitor their survival. A minimum of 50,000 rehabilitated native animals are released back to the wild each year, with few checks afterwards to see how well or if they are surviving. Whilst it can be appropriate to rehabilitate and release injured native animals back to the wild, there may be moral, ethical, and practical reasons for not releasing hand-reared orphan native animals. With no reliable method of identification, no instructions on how to get animals ready for release or see if they are suitable, and little post-release checking, the practice of placing hand-reared native animals into the wild, and the regulatory framework enabling it, should be reviewed.

Abstract: The Australian constitution makes no mention of native animals. Responsibility for animal welfare is largely retained by the states and territories via a fragmented, complex, contradictory, inconsistent system of regulatory management. Given that most jurisdictions have expressly made the possession of wildlife unlawful, the action of taking and possessing an animal, to rehabilitate it, defies the regulatory process. In most jurisdictions, it is illegal to microchip, band, or mark an animal, meaning that no reliable method is available to monitor an animal. Each year, a minimum of 50,000 rehabilitated native animals are released back to the wild, with little post-release monitoring. Where required, the assessments of behavioural and health requirements to confirm suitability for release may be undertaken by people with either negligible or questionable qualifications. Whilst it can be appropriate to rehabilitate and release injured native animals back to the wild, there may be moral, ethical, and practical reasons for not releasing hand-reared orphan native animals. This article examines the evolution, and explains the consequences, of decentralised regulation on wildlife carers and rehabilitating animals. It recommends that the practice of placing hand-reared native animals into the wild, and the regulatory framework that provides for it, should be reviewed.

Keywords: wildlife; native animals; wildlife care; legislation; mental well-being; physical well-being

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