

VICTORIAN WILDLIFE ACT 1975 REVIEW

SUBMISSION FROM BIRDLIFE AUSTRALIA'S FRIENDS OF THE HOODED PLOVER, BREAMLEA AND BELLARINE

JUNE 2021

Friends of the Hooded Plover (FoHP) Breamlea and Bellarine have been working since 2006 on Birdlife Australia's "Beach Nesting Birds" project which aims to arrest the species decline by mitigating against the threats to breeding success, most particularly the loss of suitable habitat due to the impacts of recreation and climate change. The Friends groups work with the City of Greater Geelong (CoGG), Barwon Water and Barwon Coast, who are the various land managers for the stretch of coastline from Point Lonsdale, Ocean Grove, 13th Beach, Black Rock, Bancoora and Breamlea to Pt. Impossible at the estuary of Thompsons Creek.

Bellarine and Breamlea beaches, dunes and Thompsons Creek estuary are home to the hooded plover (*Thinornis cucullatus*) which is listed as threatened in Victoria* and also Vulnerable under National legislation**. The area also provides vital feeding and roosting habitat to other shorebird species such as the red-capped plover and crested terns as well as migratory species from the Northern Hemisphere, e.g. red-necked stints, and double-banded plovers from New Zealand. (See photos 1 and 2)

Despite some demonstrated success in recovery numbers of hooded plover along the Bellarine and Breamlea beaches, the pressures these birds, along with the other shorebirds, are under from loss of habitat due to degradation of foreshore and dunes from increased human activity, storm surges and sea level rise are intensifying. We welcome this opportunity to contribute to the review of the Victorian Wildlife Act 1975 and offer the following comments.

We understand the purpose of the Act, which is to set the rules around how people interact with wildlife in Victoria. Since the Act's inception in 1975 community values and expectations around wildlife have changed significantly and there has been a noted shift in the attitude of humans towards the treatment of wildlife. Yet on our beaches many people still have the belief that they have more rights than the wildlife that live in these habitats. Human activity, particularly of a recreational nature, such as fishing has had a detrimental impact on wildlife. (See photo 3).Habitat destruction, dog walking activities and the subsequent disturbance of nests and chicks, often leading to fatal consequences, continues unabated. (See photo 4).

*Hooded Plovers are listed as threatened in Victoria under the Flora and Fauna Guarantee Act 1988 and classified as Vulnerable according to the Advisory List of Threatened Vertebrate Fauna (DELWP 2013)

**Hooded Plovers (Eastern) are listed as Vulnerable under the (National) Environment Protection and Biodiversity Conservation Act 1999

Hooded Plovers spend their entire lives on high energy ocean beaches in Victoria. The beach is their home and they have the right to live and breed, free from any negative impact of humans.

The Wildlife Act itself does not contain any provisions to protect habitat of protected species. Section 87(1) of the Act does provide for the making of regulations to protect habitat and Regulation 42(1) of the Wildlife Regulations 2013 makes it an offence to damage, disturb or destroy any wildlife habitat. Yet, 'habitat' is not defined in the Act or the regulations and the extent of the protection afforded by the regulations is unclear.

For species such as the Hooded Plover, their critical habitat has been identified over many years, as part of Birdlife Australia's Beach-nesting Birds Project. This has been achieved through the monitoring of breeding pairs and the collection of data. Hooded Plover critical habitat is largely on Crown land as they live and nest on beaches, making appropriate management objectives at a State level achievable. Ensuring that designated critical habitat is kept as untouched as possible by human activity will ensure species recovery, and would greatly support conservation efforts.

Protection of important Hooded Plover habitat is made harder by the lack of legal support from Victoria's wildlife protection laws.

Dr Grainne Maguire, who leads Birdlife Australia's Hooded Plover recovery efforts, stated in a recent report that *"The Department has advised that it is difficult to use Wildlife Act measures to protect the area inside the nesting Plover's protective zones (defined by signage and rope barriers). Furthermore, difficulties with proving intent mean that the offences under the Act for disturbing nesting birds and chicks are not effective at preventing the harm caused by disturbance by humans and dogs. Management of the threat from dogs is forced to rely on local government dog control by-laws, which vary from council to council and are vulnerable to change and possibly subject to sporadic enforcement."****
(See photo 5)

Vigorous enforcement and a standardised approach is urgently required. Our experience has been that there is an alarming increase in non-compliance on our beaches with no meaningful avenue available to address the issues. Lack of resources means there is little capacity for authorities to tackle this disturbing trend. Any criminal action, which is the only avenue that can be taken against a perpetrator under existing laws, is very costly and rarely succeeds. (See photos 6 and 7)

***Failing our Wildlife: *Why Australia's Wildlife laws need to be modernised*' Environmental Justice Australia & Humane Society International, December 2020

Other human actions, whilst well intentioned, have had unintended consequences on habitat. Earlier plantings of the introduced Marram grass to stabilise the dune system has lead to radically and permanently altering the landscape, creating large, steep-faced dunes. Together with the plant's density and invasive nature it can render the habitat unsuitable for Hooded Plover nesting.

We allow infestation of other introduced species such as Sea Wheat Grass and Sea Spurge which, out of control such as on Griffith Island off Port Fairy, can change the balance of the delicate dune system and impact on wildlife breeding.

We must seize this opportunity to strengthen and modernise the Wildlife Act. The current Act is outdated and does not meet community values or expectations, nor provide appropriate protection of wildlife or its habitat. We therefore recommend the following:

- enshrining the rights of animals as part of the review of the Wildlife Act
- defining habitat, which is currently missing in the Act and provide clear and unambiguous protection of habitat under Victoria's wildlife protection laws
- providing protections of critical habitat for threatened species such as the Hooded Plover
- providing a standardised approach and ensure adequate resourcing for enforcement and compliance
- implementing robust mandatory requirements for the protection of threatened species such as the Hooded Plover

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Photo 1. Hooded Plover parent and fledgling at Point Lonsdale.
Photo credit: Robin Spry



Photo. 2. Red-capped Plover and Red-necked Stint at Thompsons Creek Estuary. Photo credit: David Turner



Photo 3. Hooded Plover death from entanglement. Photo credit: Robin Spry



Photo 4. Human incursion into Black Rock dunes.
Photo credit: Andrea Dennett



Photo 5. Footprints into Hooded Plover nesting site at Breamlea
Photo credit: Jennie Turner



Photo 6. Hooded Plover Temporary Exclusion Zone at 13th Beach
Photo credit: Natasha Verspeek



Photo 7. Human incursion into Hooded Plover Temporary Exclusion Zone at Ocean Grove (being approached by local govt by-laws officer). Photo credit: Natasha Verspeek

