



Barwon Estuary Project –Caring for the Barwon Estuary
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Expert Advisory Panel Review of the Victorian Wildlife Act 1975

The Barwon Estuary Project (BEP) is a community education program (non-profit, volunteer based) that uses a mix of scientific and creative art activities to promote and embed environmental stewardship of the Barwon River in the local community. Deeply rooted in connection to place, the Barwon Estuary Project incorporates conservation, arts and education to inspire people's passion for the iconic Barwon estuary environment and the Bellarine Peninsula Ramsar wetlands (Lake Connearre, Hospital Swamp, Reedy Lake), an extraordinary mix of lake, swamp, salt marsh, remnant Moonah groves and mangroves.



The Barwon Estuary Project makes the following comment specifically in regard to **“contemporary values and expectations around wildlife, the need to protect and conserve wildlife and to prevent wildlife from becoming extinct.”**

Victoria has 11 Ramsar listed wetlands. One of the criteria for listing is that they should regularly support over 20,000 waterfowl and another is that they should be home to over 1% of the national population of at least one water bird species. All the Victorian sites meet both these criteria.

Despite meeting the terms of the Ramsar treaty recreational duck hunting is allowed at 7 of the Ramsar sites and four of these sites have State Game Reserves within their boundaries. The scope of the Act in should be broadened so as to remove this glaring anomaly.

The BEP is mindful that public submission is now closed to the Victorian Government's land classification legislation. Nonetheless we hold the view that the Wildlife Act itself must incorporate and be consistent with national and international wildlife conventions.

For our purposes we will focus on the Bellarine Ramsar wetlands.

To be listed as a wetland of international importance under the Ramsar Convention, a site must meet at least **one** of the nine listing criteria. At the most recent assessment, in 2016, the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site **met five** of those criteria, as outlined below

1. Supports vulnerable, endangered, or critically endangered species or threatened ecological communities

The site regularly supports one wetland dependent ecological community and 12 fauna species listed under the EPBC Act and or IUCN Red List of threatened species

Coastal saltmarsh (vulnerable ecological community), Australasian bittern (endangered) Australian fairy tern (threatened), Bar-tailed godwit (vulnerable), Curlew sandpiper (critically endangered), Eastern curlew (critically endangered), Great knot (critically endangered), Hooded plover (vulnerable), Lesser sand plover (vulnerable), Red knot (endangered), Orange-bellied parrot (critically endangered), Australian grayling (vulnerable), Growling grass frog (vulnerable)

2. Supports plant and/or animal species at a critical stage in their life cycles, or provides refuge during adverse conditions

Port Phillip Bay (Western Shoreline) and Bellarine Peninsula support large numbers of migratory waterbirds, breeding of waterbirds and frogs, nursery grounds for fish and supports waterfowl during moulting of their primary flight feathers.

3. Regularly supports 20,000 or more waterbirds

Waterbird counts across the Port Phillip Bay (Western Shoreline) and Bellarine Peninsula Ramsar Site are very high (mostly due to the large numbers of birds supported by the Western Treatment Plant). Counts of shorebirds have been consistently > 20,000 from 1981 to 2017 (data from BirdLife Australia) and counts of waterfowl are generally > 80,000.

4. Regularly supports 1% of the individuals in a population of one species or subspecies of waterbird

Data provided by BirdLife Australia and from the DELWP Annual Summer Waterfowl Counts, indicate that 12 species meet this criterion:

Australasian shoveler, Australian fairy tern, Australian shelduck, Blue-billed duck, Chestnut teal, Curlew sandpiper, Double-banded plover, Hoary-headed grebe, Musk duck, Pink-eared duck, Red-necked stint, Sharp-tailed sandpiper

Criterion 5: An important source of food for fishes, spawning ground, nursery and/or migration path on which fish stocks (either within the wetland or elsewhere) depend.

Seagrass beds and other habitats within the Ramsar site are known to provide important nursery habitat for a number of fish species, including several that are recreationally important.

Into this fragile and threatened ecosystem come recreational duck shooters and their dogs, killing, wounding, crippling not only game species but birds across the endangered and protected spectrum. The Wildlife Act has a significant regulatory role in protecting this habitat.



Whether the Act establishes a best practice regulatory framework for achieving its objectives.

While the Panel has made it clear that it will not consider “how DWELP and other responsible organisations administer the Act, including their policies, organisational structures and procedures” the regulatory performance of the Game Management Authority is to fundamental to the aims of the Act:

- (a) to establish procedures in order to promote—
 - (i) the protection and conservation of wildlife; and
 - (ii) the prevention of taxa of wildlife from becoming extinct; and
 - (iii) the sustainable use of and access to wildlife; and
- (b) to prohibit and regulate the conduct of persons engaged in activities concerning or related to wildlife.

The Game Management Authority (GMA) engaged Pegasus Economics (Pegasus) in July 2017 to provide an independent assessment for the GMA Board. The assessment relates to the effectiveness of the Authority’s compliance and enforcement regime, the appropriateness of its operating model and its capacity and capability to deliver its compliance and enforcement obligations. The review does not consider the GMA’s other statutory functions, such as game monitoring, research and advice.

The Pegasus report noted, “The GMA has not been able to effectively fulfil its compliance and enforcement responsibilities. While many hunters are responsible and respect the game hunting laws, non-compliance with the game hunting laws is commonplace and widespread, and the GMA is widely perceived by its external stakeholders and its own staff as unable either to ensure compliance with the game hunting laws, or to effectively sanction offenders when those laws are breached.”

“The GMA’s inability to ensure compliance with the hunting laws has seriously undermined its credibility as an independent and effective regulator and raises questions about the integrity and sustainability of the regulatory regime.”

“The regulatory and institutional frameworks in which the GMA operates are extremely fragmented, and the game hunting laws are widely perceived by internal and external stakeholders to be extremely difficult, if not impossible, to effectively enforce in the field.”

“As a small statutory body, the GMA is vulnerable to capture by the interests that is seeking to regulate. There are also tensions and potential conflicts between the GMA’s regulatory and other roles that constrain its effectiveness as an enforcement agency. The GMA is not currently perceived by all of its stakeholders as independent or impartial in its administration of the game hunting laws.”

“The GMA’s current position exposes the Minister and the Board to considerable policy and regulatory risk and if not addressed will contribute to continued non-compliance with the game hunting laws and the erosion of the hunting community’s social licence.”

“The GMA has not been able to effectively deliver its compliance and enforcement responsibilities.

Non-compliant behaviours and unsanctioned breaches of the game hunting laws are widespread and commonplace.

The GMA is perceived by its external stakeholders and its own staff as unable to positively influence hunter behavior or effectively sanction illegal or irresponsible behaviours.”

In order to ensure compliance with the Act, including whether offences and penalties under the Act are appropriate to punish and deter wildlife crime, the failings of the GMA as the prime regulatory agency must be addressed.



There is clearly a crisis involving flora and fauna in Australia: long term drought, bushfires, fish dying in the Murray-Darling, incremental erosion of habitat, pollutants, the dry Menindee waterbird wetlands, plummeting native bird numbers and threats to the East Asian-Australasian Flyway. Given such massive threats the Wildlife Act must reflect contemporary conservation values and explicitly endorse the principles and objectives of the Ramsar treaty so as to protect endangered wildlife and habitat. Duck shooting certainly degrades the “ecological character” (Ramsar Convention 2005) of the wetlands and significantly contribute to the “human induced adverse alteration” of the ecosystem.

If duck shooting were to be banned from Ramsar listed sites recreational shooters would still be able to access 180 state game reserves across Victoria. Moreover, according to the Victorian National Parks Association, over half of the birds shot in any given season are shot on private land. It seems that the duck shooters have had a pretty good deal in Victoria since colonial settlement. It is now time to honour 21st century principles and environmental values embedded in the Ramsar agreement to further protect our bio diverse internationally recognised wetlands.

Such a framework would then be consistent with broadly held community values, expectations and aspirations for wildlife, and endangered wildlife, in Victoria.

The ecological qualities of the Bellarine wetlands, as recognised by the international Ramsar convention, provide the compelling reasons as to why recreational duck shooting should be excluded from the wetlands.

Secretary
Barwon Estuary Project