

Submission to the Review of the EPBC Act

1. Introduction – who are we?

The Coalition Against Duck Shooting (CADS) is a community volunteer organisation that for nearly four decades has protected and defended Australia's native waterbirds from the violence and cruelty that duck shooters inflict on defenceless waterbirds. During the duck shooting season we attend Victorian shooting wetlands to rescue wounded waterbirds, which are then treated in our mobile on-site veterinary clinic. The wounding rate is at least 1 in 4.

Our role also includes recovering illegally shot protected and threatened species.

We are mainly based in Victoria but some of our active volunteers reside interstate. We have also assisted with the successful campaigns to ban recreational duck shooting in WA (where recreational duck shooting was banned in 1990), NSW (1995) and Queensland (2005), as state governments responded to growing community concern about the innate cruelty involved in this activity and the illegal shooting of protected and threatened species.

In Victoria, public opinion and outrage at the cruelty and needless illegal shooting of protected and threatened species has reduced the numbers of duck shooters from 100,000 in 1986 to 13,000 active duck shooters today. The dwindling numbers of active duck shooters make up less than 0.2 per cent of Victoria's population.

We appreciate the opportunity to comment on the discussion paper entitled: "*Independent review of the EPBC Act*" which shall be referred to simply as "the review paper" in this submission. Where possible, we will include (in brackets) the relevant page numbers from the review paper.

2. Why are we concerned about the EPBC Act?

CADS is concerned about the pain and suffering that native waterbirds are forced to endure for recreational purposes during duck shooting seasons. We are also concerned about the illegal shooting of protected and threatened species (which we recover and display annually outside the Premier's office) and the environmental implications of shooters leaving rubbish behind on the wetlands (including spent plastic shotgun cartridges). Added to this, during times of drought when wetlands receive artificial flows of water, native waterbirds seek refuge and sanctuary on those wetlands. This also attracts the shooters who then decimate the birds in what amounts to the equivalent of a canned hunt. Shooting must be banned on wetlands that receive environmental flows.

Native waterbird populations in the eastern states of Australia have steadily declined over the 38 years of aerial surveys led by Professor Richard Kingsford from UNSW, one of Australia's eminent bird scientists. Native waterbird numbers have fallen by 90 per cent over this period, yet there is bipartisan political support for recreational duck shooting in Victoria.

In our submission, we will provide examples of conflicted interests and poor governance which we have observed over decades of campaigning against duck shooting. The role of looking after Australia's native waterbirds is conducted solely by volunteer members of the public who risk their lives every year because no federal, state or local government takes on this task. The continual media stories and images of violence and cruelty towards native waterbirds and the illegal shooting of protected and threatened species have resulted in changing public awareness and led to a dramatic reduction in the numbers of duck shooters.

State and local governments have failed our waterbirds and their habitat. We need a federal safeguard, but the EPBC Act ("the Act") in its current form does not provide any protection whatsoever.

Much of Victoria's duck shooting occurs at Ramsar wetlands which are "matters of national environmental significance" (NES) under the Act. The activities of duck shooters also impact threatened species listed under the Act – another matter of NES.

Professor Kingsford attributes waterbirds' long-term decline to climate change and also land-use change – specifically, the Murray-Darling irrigation scheme that has disrupted the natural flooding and drying cycles of wetlands.

Recreational shooters quote dated results from last-century studies to claim duck populations are resilient to hunting. However, the data suggests otherwise, as the twin impacts of climate change and irrigation intervention cut deeper. Four years ago¹, Kingsford spoke to the media about the dire observations from his Eastern Australia Waterbird Survey (EAWS). He said duck species were "at the bottom of the trough", so if you have a duck shooting season "you are really only going to be shooting adults which will reduce the capacity of the population to bounce back." On another occasion, he noted that when good seasons come, the duck population "bounce-back" is getting weaker, like a bouncing tennis ball².

In BOX 1 below, we reproduce the damning information provided by Animals Australia in its annual submission to the Game Management Authority (GMA), available from the GMA website. Yet the 2020 duck shooting season is still scheduled to go ahead next month.

¹ <https://www.theage.com.au/national/victoria/falling-number-of-waterbirds-in-australias-east-sounds-alarm-20151222-glt0b4.html> accessed on 15.4.2020

² <https://www.abc.net.au/catalyst/richard-kingsford/11013822> accessed on 15.4.2020

BOX 1:

In EAWS 2018 and EAWS 2019, Kingsford and the UNSW team have introduced trend analysis. All four of the major indices - total waterbird abundance, breeding index, number of species breeding, and wetland area index - show statistically significant declines over time for the period 1983-2019. The long-term survival of Australia's native waterbirds (including those declared 'game' species) is threatened. The dramatic decrease in the long-term average for game bird abundance is shown in Fig 5 below⁸. Recent years have been so poor that the "blip" from rains that ended the 'Millennium' drought has now been dissipated. This is highly pertinent as GMA has a mandate to promote "sustainability and responsibility in game hunting in Victoria".

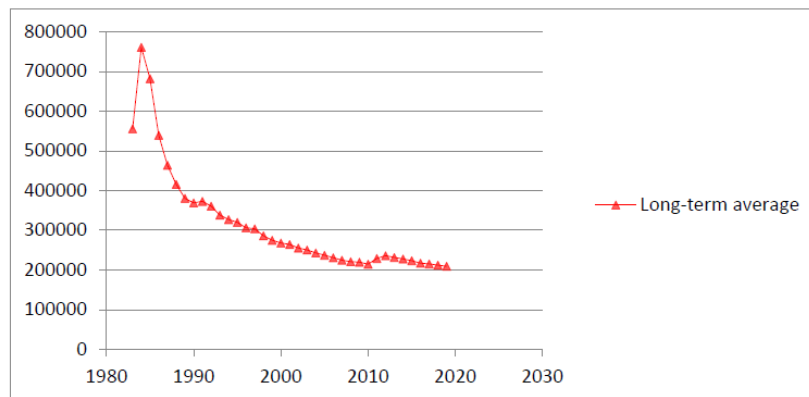


Figure 5. Long-term average: game bird abundance. Graph produced by Animals Australia using game duck abundance data from annual EAWS surveys.

⁸ Graph produced by Animals Australia, using game duck abundance data from annual EAWS surveys.

3. From duck campaigns to general principles

Although our observations relate mainly to our experience of advocating for native waterbirds against the vested interests of the gun lobby and gun-friendly politicians, we believe that the lessons learned are of wider application to your review of the Act. Here are some key points:

- a) Pro-environment voices are generally pitted against well-funded opponents with access to consultants and legal advice. As the Act is intimidating in its length and complexity, it becomes a feast for lawyers (p12) and a tool for those whose actions threaten the environment, rather than an aid for those of us - community groups or charities – who are trying to protect flora and fauna, water and habitat.
- b) There is no level playing field. In Victoria, we have taxpayer-funded statutory authorities to advocate for vested interests – the Victorian Fishing Authority and the Game Management Authority (for shooters). However there is no wildlife authority to advocate for native waterbirds, koalas, kangaroos, wombats etc. and the long list of threatened species. We need an independent, government funded environmental advocate with teeth. As this does not exist at state level, we need a strong, simple EPBC Act and an independent statutory authority to (i) educate the community about the Act and how it works; (ii) assist pro-environment groups to

use the Act; (iii) take strong action against those who breach it; and (iv) report to the community each year on issues tackled and results achieved.

- c) The review paper suggests that certain state-specific environmental issues be left to the states to decide (p15). We oppose that proposal because state governments can be so beholden to vested interests. *Please refer to our Section 4 below.* Just as the federal parliament has the Senate as a “house of review” we believe that environmental matters are so important they should not be left to the states alone. In particular, a heavy fine should be introduced when decision-makers at any level fail to disclose their potential conflicts of interest.
- d) The review paper suggests the formation of new formal advisory bodies (p23). This sounds good in principle, but with inadequate disclosure of personal interests (our Section 4 again) these bodies lose their effectiveness. For example a so-called “wildlife expert” on a hunting advisory body may be an academic who enjoys recreational shooting.
- e) Self-regulation, co-regulation and industry codes (pp21-22) may sound attractive to cut the regulatory costs for the federal government, but the environmental “enemy” will look for loopholes and use sneaky tactics whenever they can get away with it. Much greater investment is needed for compliance, investigation and enforcement. For example, a recent report in the Melbourne Age and Sydney Morning Herald outlined the escalating destruction of koala habitat despite the listing of the koala as a vulnerable species under the Act in 2012³.

4. Governance and Conflicts of Interest

A revised Act should include heavy penalties for anyone involved in environmental decision-making who does not fully disclose potential conflicts. BOX 2 contains a case study from Victoria in relation to duck shooting.

³ <https://www.smh.com.au/environment/conservation/destruction-of-habitat-spied-up-after-koalas-were-listed-as-vulnerable-20200412-p54j6p.html> accessed 15.4.2020

BOX 2

From 2010 to 2014, Peter Walsh was the Victorian Nationals' Minister for Agriculture. He acted as a parliamentary representative for those who enjoy shooting wildlife. He implemented:

- a separate statutory authority to manage hunting. Shooters had spent 20 years lobbying for this. The Game Management Authority (GMA) was established as a similar body to the NSW Game Council. However, the NSW Game Council was disbanded due to unsustainable conflicts of interest – both promoting and regulating hunting.
- more liberal hunting rules, including low licence fees (heavily subsidized by taxpayers), and tough fines for non-shooters who enter wetlands eg. to assist wounded waterbirds, or for media coverage.
- a shooter-survey to estimate the supposed economic benefit of hunting. The inflated result has been heavily criticised by experts but it has been quoted continually by shooters and politicians to justify duck shooting and grants to gun groups.
- a Shooting Sports Facilities Program offering \$12.48m of grants to hunting and shooting groups.

HOWEVER...

Walsh has never disclosed his membership of hunting lobby group, Field & Game Australia (FGA).

This information came out when FGA listed him as one of their members when soliciting votes for gun-friendly candidates at the last state election.⁴

Regardless of dire environmental conditions, no duck shooting season has ever been cancelled since the GMA was established in July 2014. The GMA has never mentioned climate change in its published considerations about the forthcoming duck shooting seasons.

When Labor won the November 2014 election, it continued and expanded this shooter-friendly largesse. Today the chairperson of the GMA, Brian Hine, is a long-time duck shooter. In December last year, despite crippling drought, GMA's recommendation for another duck shooting season was written by a senior staffer who is also a duck shooter. (FOI requests divulged that information.) Despite COVID-19 restrictions, the 2020 duck shooting season has not been cancelled and at this stage it will commence in May.

5. Ramsar Wetlands - a matter of national environmental significance (NES) under the Act

We have a particular interest in Ramsar wetlands. In 2016 the Victorian Auditor-General's Office (VAGO) reported on its audit of the delivery of our international obligations for Ramsar wetlands⁵. Some comments in relation to the VAGO report are summarized at Attachment A. There has been widespread, sustained neglect of our international responsibilities for these globally important wetlands.

⁴ A list of FGA members standing for election in 2018 can be found by scrolling to the end here: <https://www.fieldandgame.com.au/2018/11/22/1365276/victorian-election-update> Accessed on 17.4.2020

⁵ <https://www.audit.vic.gov.au/sites/default/files/20160914-Ramsar-Wetlands.pdf>

In 2017 duck shooters went berserk and a massacre of native waterbirds took place at the Koorangie Marshes (part of the Kerang Ramsar wetlands). The Game Management Authority officers and Victoria Police who were present, were unaware of the massacre taking place in front of them. Rescuers recovered 1,500 dead and wounded native waterbirds, of which 296 were illegally shot protected species, including 183 threatened Freckled Ducks and Blue-billed Ducks.

The subsequent media coverage and public outcry resulted in the Victorian Government calling for an inquiry by Pegasus Economics to provide an independent assessment of the effectiveness of the Game Management 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 final Report was scathing of the Game Management Authority and its ability as a regulator. See Pegasus Report Attachment B.

It is of particular concern that hunting lobby group Field and Game Australia (FGA) has reported plans to seek Ramsar status for its private wetland known as Heart Morass, near Sale in Victoria:

"...work has begun to gain Ramsar accreditation for the Heart Morass. Such a listing would give it [sic] significant international recognition to a remarkable achievement while not jeopardising hunting." ⁶

Please refer to Attachment A for our detailed comments which explain why duck shooting is incompatible with sustainability at Ramsar wetlands.

The Victorian annual duck shooting season takes place on wetlands across Victoria, including the Kerang Ramsar wetlands of International Importance and other Ramsar wetlands. In 2009 the Victorian Environmental Assessment Council (VEAC) recommended that the Kerang wetlands become a new National Park. But the shooting organisations lobbied against this proposal and the Brumby government stopped it from going ahead.

The Kerang Ramsar wetlands had been decimated by the activities of thousands of duck shooters in the 1980s, when over 350 tons of lead were shot into wetlands across Victoria. However, today the North Central Catchment Management Authority is working to restore the Kerang wetlands. Although there are fewer shooters today, they still leave behind their camping litter, shotgun cartridges, toilet waste and bird body parts. Unbelievably, there are no signs at all to indicate that this is a world-class region of importance. It seems the local government is content to leave these wetlands as a shooting range rather than a potential tourism drawcard.

It is surprising that Victoria's tourism authority does not explore the growing interest in bird-watching and nature-tourism and invest in some publicity and promotion for our Ramsar wetlands. The only signage to date features graphics of guns and warnings that hunting takes place at certain times of the year. Nature-tourism and duck shooting are incompatible. Tourism operators report that tourists hate guns and the crack of gunshot disturbs the tranquility they seek.

⁶ See page 18 of the 2015-16 FGA annual report:
<https://cog-live.s3-ap-southeast-2.amazonaws.com/n/1287/2018/Jun/24/7pi41TaO2mMHGp31tQvG.pdf>.

The economic potential of environmental tourism is sadly missing from the review paper. It must be explored and included as a counter to the frequent claim that it's too costly to protect the environment.

In Victoria during the 1980s, the newly elected Victorian Cain government decided to rescue the Phillip Island penguin colony that was under threat from encroaching human activity, housing development, predators and traffic. Bravely forcing the relocation of an entire housing development, the Cain government started the restoration of penguin habitat and the building of tourist facilities. Today the area is a thriving, lucrative tourism attraction, loved by Australians and international visitors alike, attracting over one million tourists each year.

Victoria is blessed with an outstanding network of wetlands. This could become a world-class tourism attraction. With suitable audio-visual facilities, it could showcase the habitat and wildlife throughout the cycle from flood to drought. The old excuse that government lacks the funds to protect and promote Ramsar wetlands is simply short-sighted, bad economics.

6. Use of Trusts

The review paper (pp24-25) explores the possible use of trusts as “credit” banks so that for example, if a developer destroys some habitat, it can undertake to pay for restoration of habitat in another comparable area. We are aware of this type of arrangement in Victoria, where VicRoads has undertaken to fund wetland habitat in lieu of that destroyed by freeway construction. However, according to the annual reports of hunting lobby group FGA⁷, the funding found its way to FGA to help fund its private Heart Morass wetlands. The FGA wetlands are used to breed waterbirds as fodder for the next duck shooting season. In our view, this is a corruption of the original environmental purpose of this environmental funding.

FGA’s one million dollar Heart Morass is now contaminated by rising salt levels and cancer-causing PFAS. See our Attachment D for further information.

We believe that any “trusts” should be strictly controlled and monitored at federal level. A federally-run trust would be ideal.

7. Indigenous involvement

Indigenous clans will benefit financially once a nature based wetlands tourism industry replaces duck shooting, as all the wetlands are rich in indigenous heritage and culture.

⁷ See for example, FGA Annual Report 2012-13, page 20 - <https://cog-live.s3-ap-southeast-2.amazonaws.com/n/1287/2018/Jun/22/ksKGgPweUckJJ6mikaB.pdf>

In 2019, the Victorian Andrews Government obtained world heritage listing for Budj Bim near Portland, which has also been returned to its original owners.

8. The role of the community

Recreational duck shooting is illegal in WA, NSW, Qld and has never been legal in the ACT. Duck shooting is on the wane in Victoria – currently only two in every thousand (0.2% of residents) are involved. A sustained community awareness campaign by CADs and other animal welfare groups has drawn public attention to the cruelty involved in duck shooting and as public awareness grew, support faded.

However, duck shooters also like to shoot quail and the GMA actively promotes this. Quail are not generally well-known by the Australian public and CADS has not had capacity to campaign for quail. These are small brown ground-dwelling birds. Only one of five native species can legally be shot in Victoria. However, the GMA does not test quail-shooters to see if they can tell one species from another.

In particular, quail-shooters are likely to shoot a very special non-quail, the critically endangered Plains-Wanderer. This bird comes under one of the nine “matters of NES” in the Act. Yet, if a quail-shooter wants to learn the differences, there is not even a photo of each species on the GMA website.

Incredibly, quail shooting (which has been banned in South Australia this year for sustainability reasons) is permitted in Victoria half an hour each side of daylight, so that species could easily be mistaken in the dark. The GMA is refusing to disclose whether they have done any monitoring of quail shooters in the field this season. We suspect that quail shooting is almost entirely unregulated in practice, because there has been no public campaign against it.

Zoos Victoria is spending public funds on a last-ditch captive breeding program to try to rescue the Plains-Wanderer from the brink of extinction. This bird has immense tourism potential: the male incubates the eggs and raises the chicks while the female wanders off to find a new mate! We attach a photo of this very attractive bird at Attachment C. It is the last in its genetic family, likely dating back to Gondwana days. It would be a national shame to lose the Plains-Wanderer.

Our point here is that we cannot rely on state government authorities to protect species listed as critically endangered under the Act. The conflicts mentioned in our Section 4 are working against the survival of the Plains-Wanderer.

The review paper states that the Australian community is very supportive of environmental causes. We would agree with this, once the public sees and hears what environmental abuse is occurring. The public awoke with a jolt when the unprecedented fires swept through regional Australia last summer. There was also international shock and support for our unique wildlife and its rescue/rehabilitation.

However, state governments try to placate outraged members of the public who write to MPs attempting to stop the shooting of native waterbirds and other wildlife but all they receive are form letters assuring them that duck shooting is “highly regulated” and “sustainable”.

But so often the public is unaware. There are so many aspects of our environment that are under threat. The Plains-Wanderer is but one example. For too long we have relied on community groups and charities to raise the alarm, to stand up and fight the powerful vested interests. But the task is now too great. If the federal government is serious about protecting the environment for future generations, it must set up a well-funded independent watchdog with teeth, to keep tabs on threats and take decisive, timely action – despite the predictable squeals from vested interests.

9. PFAS and lessons from coronavirus days

It has been reported that the coronavirus possibly started because of the shocking mistreatment of wildlife in China.

We see an analogy with how some wildlife is treated in Australia. In Victoria, when a duck shooter brings down a bird, he has no way of knowing whether the bird is contaminated by PFAS and the risks to which he might be subjecting himself and his family. The EPA has conducted research at the FGA Heart Morass wetland (see Attachment D) and recommends extreme caution when consuming birds from there. Even though Field and Game Australia closed off Heart Morass to duck shooting this year, these birds can easily fly to other wetlands, and be consumed by unsuspecting shooters.

10. Conclusion

Australia has 10% of global diversity (p1). For twenty years we have relied on the Act and associated measures to protect the environment, but things have simply worsened. More words and reports won't change this. We need to get tough and say NO more often and sooner, to proposals that may threaten species and habitats. We need a paradigm shift. We can do it for climate change and the environment.

In 2020, it's time for government agencies to take over the role that volunteer members of the public currently undertake in protecting and caring for our native waterbirds and our native wildlife.

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ATTACHMENTS:

- A. Comments re the Victorian Auditor-General's Report No 202: *Meeting Obligations to Protect Ramsar Wetlands (2016)*
- B. Report by Pegasus Economics 2017: *Assessment of the GMA's compliance and enforcement function*
- C. Plains-Wanderer: photo
- D. EPA Victoria: *PFAS in Victorian waterfowl*, March 2019