

Appendix 2. Restoration of Sanctuary Status for Lake Linlithgow & Lake Bullrush: a summary of features of the wetlands & correspondence since 1985

Deputation to Southern Grampians Shire Council
Hamilton Field Naturalists Club, 6 Dec 2016

Sanctuary status was conferred in 1928 and lasted until 1975 when it was supposedly inadvertently lost with the gazetting of the revised Wildlife Act. From 1985 to 2015, HFNC has sought to change that position.

1. Lake Linlithgow (LLIN) and Lake Bullrush (LBR) were formed when the Phase 2 lava flows about 2 million years ago left these areas on the Phase 1 basalt flows uncovered. LLIN covers about 1000 ha and is fed from Boonawah creek. LBR covers about 150 ha, fed from overflow from Krause Swamp.
2. The vegetation on the banks of LLIN has been substantially restored since 1975 by HFNC and Parks Victoria (PV). PV cancelled grazing licences in 2003 and engaged in a massive planting of trees indigenous to the area, finishing in 2009. HFNC assisted in that effort, planting in the NW end.
3. LLIN & LBR are, together, significant water bird areas, with several endangered migratory and Australian species feeding on the lake (10 species listed by JAMBA). We have seen up to 5,000 Sharp-tailed Sandpipers on these lakes on 2 occasions in the last 5 years. HFNC has monitored the birds of LLIN for 50 years and has published records
4. LLIN & LBR dry out periodically, often over autumn. George Augustus Robinson (Protector of Aborigines) found LLIN dry in 1841. In the last 18 summers (Feb 1999-2016) the lake has been dry by February in 11 years. The ave. water depth in Feb. for the 18 years was 13 cm. For the previous 15 years (Feb 1984-1998) there were no dry years and the ave. depth in Feb. was 158 cm. Earlier, floods in 1893, 1894, 1946, 1951, 1952 & 1956 saw water overflowing the banks of LLIN.
5. People from Hamilton, Peshurst and surrounding areas have long been accustomed to the lakes being sanctuaries where hunting was not permitted. Both waters have been popular for yachting, boating and wind-surfing when there has been water. LLIN has, until recent years, always been a place for picnics. It has also been a magnet for bird watchers. In 1975 there was a revision of the Wildlife Act. That revision left the status of the LLIN & LBR unresolved and duck hunters took full advantage..
6. In 1978 the Land Conservation Council's Final recommendations for the Corangamite Area were released. It recommended both LLIN & LBR be Lake Reserves and that the "*management authorities should recognise the importance of the recreation and wildlife values in their policies*"
7. In March 1985, the duck hunters were told by the DCE that they could not be prosecuted for shooting on the lakes. Shooting began. Until that time they had honoured the sanctuary status. Shooting had been permitted on the nearby Wildlife Reserves of Krause Swamp and Lake Kennedy.
8. HFNC to Minister Kirner in April 1985 – the Minister stated "*When these areas are consolidated as a Lake Reserve, together with Bulrush Swamp, it will be possible to gazette regulations over the reserve. A regulation prohibiting hunting in the reserve will be considered at this time*".
9. Joan Kirner's undertaking was never acted upon by the DCFL. That department was dominated by officials whose sole objective then (and now) seems to be to allow hunting on every reserve.
10. In 1992 there was a review of Wildlife Reserves by DCFL. Hunting had only been allowed in Wildlife Reserves when they had been further categorised as State Game Reserves in the Wildlife Act 1975. The review '*regularised*' the hunting in Wildlife Reserves by classifying most of them as State Game Reserves. (Hunting in other areas of Unreserved Crown land was also permitted)
11. The review stipulated that "*Each major hunting wetland must have at least one major refuge within a distance that permits waterbirds to move from hunted waters to the refuge without causing significant stress. If the refuge for a major hunting water is not effective, partial or full closure of the hunted water should be undertaken* [That requirement has been ignored in recent years at LBR].
12. HFNC to NRE in 1992 – regarding the sanctuary status of LLIN & adjacent wetlands.
13. HFNC to Minister Thwaites in Sep. 2003 – regarding sanctuary status of LLIN and adjacent wetlands, pointing out that hunting on any of the 5 wetlands in the complex was very detrimental to wildlife, especially Brolga. [a flock of 50 birds was evicted from the area in autumn 2014]
14. HFNC to Thwaites in Feb. 2005 – requesting a response from the previous letter.
15. DSE on behalf of the Minister to HFNC on 27 Feb. 2005 – "*The Department of Sustainability and Environment has sought advice on the legal status of 'sanctuary' and your interpretation that duck hunting 'cannot be legally prevented in these areas'. It does appear that Lakes Linlithgow and Bullrush continuing to have sanctuary status that prevents hunting at these sites may require clarification by legislation. There is no plan by the Government to introduce legislation*".

16. HFNC to Victorian Environmental Assessment Council (VEAC) in Oct 2005 – re. sanctuary status and request for VEAC to re-assess the situation.
17. VEAC to HFNC 18 Sep 2006 – *“without Terms of Reference from the Minister for Environment, VEAC cannot make a specific recommendation that all of these wetlands should be sanctuaries”* *“VEAC would not carry out an ad hoc investigation for a specific area such as the Lake Linlithgow wetlands, unless requested by the Minister”*.
18. HFNC to DSE 14 Oct 2006 – sanctuary status and duck hunting on LLIN & associated wetlands.
19. HFNC to DSE (J Holms) 30 Jan 2009 – conservation status of LLIN & associated wetlands
20. HFNC to DSE (J Holms) 14 Oct 2009 – conservation status of LLIN & associated wetlands
21. DSE (G Hull) to HFNC 7 Dec 2009 – *“Lake Linlithgow and Bullrush Swamp are designated Wildlife Sanctuaries and hunting is not permitted. Krause Swamp is a Nature Conservation Reserve and hunting is not permitted. Lake Kennedy is a State Game Reserve and hunting in the declared open season is permitted. Salt Lake [now Harnath Wildlife Reserve] is unreserved Crown Land and hunting of game and feral species is generally permitted...”*.
22. The regulations introduced in 2013 by the Liberal Government has enabled visitors who do not have a shooting permit and a gun to be prosecuted if they are found on or near a proclaimed wetland during the morning (dawn to 10 am) and afternoon (4 pm to after dark) in the duck-hunting season. Those regulations could be applied to LLIN and LBR. That is unreasonable because these lakes have always been open to visitors, including bird watchers who find the early morning the best time.
23. HFNC to Game Victoria & Minister Agric & Food Security 20 Mar 2014– shooting of protected species on LBR and matter of sanctuary status.
24. HFNC to Director Shire Futures, Southern Grampians Shire Council (SGSC) 21 Mar 2014 – sanctuary status LLIN & LBR
25. HFNC to Lisa Neville 21 Mar 2014 – sanctuary & duck shooting issues at LLIN & LBR. Advice from DEPI that PV & Land Vic consider that *both LLIN & LBR are unreserved Crown Land with no overriding legislative regulations. The title ‘Lake Reserve’ has no legislative basis.*
26. HFNC to Game Victoria 21 Mar 2014 – protection of endangered species at LBR- LLIN area
27. HFNC to Game Victoria 25 Mar 2014 – sanctuary status and LCC statement re. Lake Reserves
28. DEPI P Beaumont to HFNC 1 May 2014 - responding on behalf of P Walsh Minister for Agriculture etc. [His letter did not address the issue of sanctuary status but gave a custom response]
29. HFNC to DEPI Beaumont & Hon. P Walsh 10 May 2014 – LLIN & LBR are NOT State Game Reserves or Unreserved Crown Lands , which the Govt Website says hunting is allowed in. They are Lake Reserves and managed by PV & the Shire of Southern Grampians.
30. Hon P Walsh to HFNC 16 Jul 2014 – *‘Duck hunting is currently permitted on Lake Linlithgow and Bullrush Swamp, which are unoccupied Crown Land’*. *The DEPI considers that Lake Linlithgow and Bullrush Swamp are unoccupied as no leases or licences exist over these areas”*
31. HFNC to P Walsh 21 Jul 2014 – the issue is about restoration of sanctuary status.
32. HFNC to Lisa Neville 21 July – update on LBR & LLIN
33. HFNC to M McCarthy SGSC 21 Jul 2014 – update on LLIN & LBR situation
34. DEPI Beaumont to HFNC 1 Sep 2014 – *“there is no current intention to confer Sanctuary Status on Lake Linlithgow and Bullrush Swamp or prohibit duck hunting in those areas”*
35. HFNC to M McCarthy SGSC 16 Dec 2014 – update .
36. HFNC to Lisa Neville Minister for Environment 17 Dec 2014 – sanctuary status for LLIN & LBR
37. Min Environment to HFNC 23 Dec 2014 – response forthcoming shortly from the Minister
38. HFNC to L Neville, Minister for Environment 23 June 2015 – request to consider the case for restoration of sanctuary status for LLIN & LBR
39. DEPI Beaumont on behalf of Min Environment, to HFNC 2 Sep 2015 – the response discussed Brolga concerns (a flock of 50 were displaced by hunters on LBR this year) and general duck season management BUT did not address the issue that we raised with the Minister.

Key reflections on this saga:

- Since 1975 the Environment Departments have been resolute in refusing restoration of sanctuary status, perhaps as a consequence of the influence that the duck shooters hold in the department
- There is no solid view from officials as to the facts around ‘sanctuary’ status (see 15, 21, 25, 30)
- The DEPI definition of “unoccupied” is unacceptable – an excuse to allow duck hunting (see 30)
- The Minister can request VEAC examine the case for restoration of sanctuary status for LLIN & LBR. That will bypass the blocking influence of the duck-shooting lobby in DELWP & DEDJTR.
- DELWP and GMA have ignored the provisions for ‘refuges’ in their own act (see 6 & 11) – there is no sanctuary in the region, therefore no possibility of honouring that obligation.