

**Senate Standing Committee on Environment and Communications  
Legislation Committee**

Answers to questions on notice  
**Environment and Energy portfolio**

**Question No:** 55  
**Hearing:** Additional Estimates  
**Outcome:** Outcome 1  
**Program:** Environment Standards Division (ESD)  
**Topic:** Hooded Plovers  
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**Question Type:** Spoken

**Senator Rice asked:**

Senator RICE: I wrote to Minister Frydenberg about the issue of protections for hooded plovers on beaches in Victoria. I do not know if you are aware of the issue that where beaches are being used for horse training, it is impacting upon hooded plovers that are on the beaches between Port Fairy and Warrnambool. Are you aware of that issue?

Mr Knudson: I personally am not; I am sorry.

Mr Thompson: I suspect we are back in 1.1, which will be later this evening.

Senator Birmingham: If you want to try your question there, Senator Rice, we can see whether it is a specific EPBC—

Senator RICE: Basically, we have hooded plovers listed as vulnerable under the EPBC Act and we have horse training going on on the same beaches. I wrote to the minister about it and have received a reply, which I wanted to have further discussion about.

Mr Knudson: It really depends which element of the issue you want to explore. If you are saying that this should be referred for assessment under the EPBC Act, if you are saying the listing of it as endangered is at the wrong level of protection then that is a different area of the department. I am just trying to understand what you—

Senator RICE: Basically, the response I got from the minister is saying that it is a matter for the state government rather than the federal government, because the situation is considered to be one where the horse training activities are viewed on a horse by horse basis—so, individual actions. But what is actually happening is that you have horse training happening en masse on the beach. What I wanted to discuss and clarify was why this documented ongoing activity is not able to invoke our federal environmental protections.

Mr Knudson: That question in general we would need to take a look at; first of all, to look at the individual species and whether the action that is happening would constitute a significant impact on it. Obviously, I cannot give you a very fulfilling answer based upon the information I have, which is based upon your comments, but I would be very happy to come back on notice with a much more detailed answer on that for you, if that would be helpful.

**Answer:**

A person proposing to take an action that has, will have, or is likely to have a significant impact on a listed threatened species, such as the vulnerable Hooded Plover, must refer the action to the Minister for the Environment and Energy for a decision under the *Environment Protection and Biodiversity Conservation Act 1999*.

However, when the Act was passed by the Parliament, it was expressed in the Explanatory Memorandum that an action carried out by an individual which is not likely to have a significant impact on a species or community will not require approval under the Act, even if the overall

impact of a large number of individuals independently carrying out actions of the same kind have a significant impact on the species or community.

The cumulative impacts of independent actions by different persons, all of which are below the significant impact threshold, are primarily to be addressed through State planning and land management legislation, and recovery plans.

In this instance, horse riding by individuals on the beaches between Port Fairy and Warrnambool, as independent actions, are below the significant impact threshold. The Department's understanding is that Parks Victoria is developing a management plan for the coastal reserve in question which will include consideration of these issues.