

ONLINE SUBMISSION DETAILS

Date Received	27/03/2017
Organisation	Individual
Postcode	
How do you think we should improve the FFG Act?	<p>Review of Flora and Fauna Guarantee Act 1988</p> <ol style="list-style-type: none">1. Any proposed changes to the Act must be released for Public Comment in a timely manner and draft version should specifically highlight the changes and the differences with the existing Act..2. The primary objective of the existing FFG Act 1988, which is to guarantee that "all species can survive and flourish in the wild" must be steadfastly maintained. The existing name of the Act should be preserved to maintained the focus on this objective.3. The primary focus of the FFG Act should be on individuals Species, Communities and Threatening Processes. There is concern that any move to shift the focus from individual species to landscape scale biodiversity "enhancement" will weaken the Acts ability to protect species and ultimately the environment that allows both individual species and biodiversity to exist. There is existing tools and measurements that are agreed to measure individual species numbers and conditions while such measures and tools do not exist for notion like biodiversity and inter-related species interactions. In this context "biodiversity enhancement" is impossible to measures and monitor.4. The principal problem behind the failure of the existing Act to stop the decline of biodiversity and to protect individual species to be endangered is not so much a failure of the Act as it exists but the failure of the Department in charge of its implementation to fulfil its responsibilities as specified under the Act (e.g. prepare Action Statements in a timely manner) and a systematic refusal by the Department to use the mechanisms provided within the Act to protect species, such as Critical Habitat Determinations.5. Considering the previous point, Independence from DELWP is therefore a key requirement for the successful Implementation, ongoing management, monitoring and accountability under any Act. The existing independent FFG Scientific Advisory Committee (SAC) responsible for assessing nominations for listing has by and large worked well but has no oversight authority. A separate "political" Authority must be specified under the Act to administer and monitor its implementation. Such an Authority would be responsible for preparing Action Statements and have oversight of the preparation of recovery plans, their implementation and monitoring. It would also monitor compliance and have powers to enforce the provisions of the Act.6. The Act needs to include a process to refer to the previous mentioned authority any action that is likely to have a significant impact on a listed species or community. The act needs to specify the powers that this Authority need to fully investigate the proposed action and make binding recommendations. The Act must provide the means for the public to challenge the land management decisions of government in an affordable and timely way.7. The Act needs to specify very clearly that it applies to both public and private land, all land managers, public and private owners, and have a system for

assessing and monitoring compliance including penalties for non-compliance. The Act must provide Local Councils with the tools necessary for enforcement on private land.

8. The Act must include a process for the public to be able to nominate an area for listing as Critical Habitat. A nomination for critical habitat must be assessed by an independent body such as the SAC in a specified time frame (within 6 months in example)

9. The Act must provide guidance as to the definition of Critical Habitat and provide criteria for its assessment.

8. Exemptions for FFG Act compliance should be very specifically clarified and kept to a minimum.

10. The Act should put an emphasis on not only preserving individual species and communities but also on restoration measures to guaranty viable population levels for more than mere survival.

11. All SAC final recommendations should be publicly published and readily available at minimal cost if any.

12 The Act must provide the authority for any government employee to be able to nominate area for listing as critical habitat. De part their function and expertise, public employees particularly from environment agencies are best placed to nominate.

13 The Act must assign the primary responsibility for nominating species, communities and threatening processes to specified Government Agencies (DELWP in particular) although the nomination process must continue to be open to anyone in a simplified and clearly described process.

14. To allow for the nomination process to be as easy as possible, the Act should make provision for resources to be made available to assist people and groups in nominating. Access to necessary government data for the nomination process must be readily available on request at minimal cost.

15 Action Statements for all listed species, communities or threatening processes must continue to be mandatory under the Act. The Act must specify a set time frame (six months?) for such Action statement to be released after a specie, community or threatening process nomination has been made.

16. The Act must outline the types of information, recovery planning and actions to be contained in action statements and implementation calendar. The term "Intended Management Actions" currently used by DELWP as a heading within Action Statements is unacceptable as it does not allow for a clear action plan and monitoring of its implementation.
