

25<sup>th</sup> March, 2017

**Re: Suggestions on the Review of the Flora and Fauna Guarantee Act 1988**

Dear Minister D'Ambrosio,

We appreciate the opportunity to comment on the review of the Victorian Government's Flora and Fauna Guarantee Act 1988 Consultation Paper.

The original FFG Act was an inspirational guarantee when implemented nearly thirty years ago. However, historically, and as noted in the consultation paper, it has not been as effective as was hoped. We acknowledge the thinking that has gone into the review of the Act however, to ensure it is to be of value into the future, we believe improvements to the new Act must be linked to significant, prioritised funding.

The Dolphin Research Institute (DRI) suggestions to improve the Act are as follows:

The DRI supports the direction of the new Act. We particularly value the establishment of partnerships with traditional owners to support Victorian biodiversity through better protection and management. We also strongly encourage the inclusion of stakeholders to support and share conservation efforts with DELWP. It is positive to see that climate change is being considered, along with whole landscape / area thinking in the new Act.

The DRI recognises the use of 'generic landscape language' throughout the consultation paper, however aquatic environments, both freshwater and marine, and their biodiversity may occasionally need to be considered separately to terrestrial environments. For example, aquatic environments are mostly used recreationally by the public whereas terrestrial land-use can include recreational, industrial and housing. These later human activities can be 'more controlled' through planning zones and systematic law enforcement whereas it is up to a hand full of compliance officers to ensure that the recreational activities in aquatic environments are within regulations and human activity impacts are kept to a minimum. DELWP Wildlife Officers deal with compliance issues relating to marine environments and marine mammals, as legislated in the Wildlife Act, and DRI greatly value their role and efforts. However, this compliance role is only one of many that they are responsible for. Increasing population growth will mean a parallel increase in recreational vessel users in marine environments. Sufficient, prioritised funding and appropriate resources must be available to ensure that DELWP Wildlife Officers can conduct their compliance role effectively to monitor and minimise human-induced threats to marine mammals.

The potential implementation of civil penalties when the new Act is breached, is strongly supported by DRI and we view this as a positive step forward. Nevertheless, we suggest that these penalties should be taken a step further and include an additional repair order to ensure that the habitat and / or species have the best opportunity for survival should they be impacted by non-compliance.

To encourage community support of the new Act, decisions to list species, landscapes and threatening processes require transparency. From experience, DRI received no response from the scientific advisory committee after informing them of the questionable status of species when a marine mammal species was listed under the FFG Act. This species status is yet to be validated by the greater scientific community and is not currently recognized as a species by the Society for Marine Mammalogy and subsequently the International Union for the Conservation of Nature (IUCN) and the International Whaling Commission (IWC). Yet, the species is currently listed as a threatened species under the FFG Act. This discrepancy has had implications on research funding and potentially altered the general public's perception of the species and its degree of vulnerability. Understanding of the 'headspace' of the FFG Act's scientific advisory committee through transparent communication may have improved stakeholder confidence in the committee and allowed stakeholders to openly explain the discrepancy between State, National and International listings, or lack of, with management authorities and the general public.

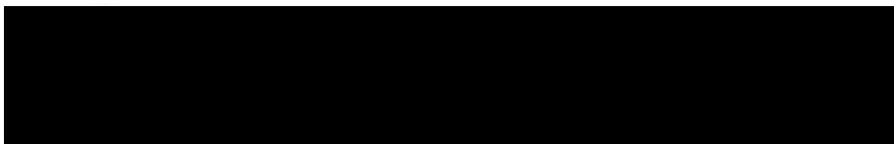
Adopting a Common Assessment Method, utilizing the IUCN criteria, as a process of assessing and listing threatened species and ecological communities, is strongly supported by DRI. The DRI also strongly encourages a re-assessment of the species currently listed under the FFG Act, as suggested in the consultation paper, and particularly for marine mammals. At present, larger cetacean species including blue whales and humpback whales are listed, however other species such as southern right whales and killer whales, which also occasionally visit State waters, are not.

To date, guaranteed protection of flora and fauna across Victoria falls mainly to DELWP, when in fact all agencies of government, local government, industry and the public have a role. All those accountable for protection of Victoria's flora and fauna need to develop management plans, be encouraged to report of the protection actions and to be held accountable. Too many are escaping this responsibility, with consequent failures to guarantee protection.

Finally, we commend the thinking and substantial effort that has gone into producing the consultation paper and look forward to the resulting Act.

Yours sincerely,

On behalf of the Dolphin Research Institute,



  
Research Director

  
Board Chairperson