

ONLINE SUBMISSION DETAILS	
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Written submission provided or EV submission?	<p>Submission to the review of the Flora and Fauna Guarantee Act 1987 (FFG Act) by [REDACTED]</p> <p>Introduction</p> <p>Thank you for the opportunity to provide a submission to the proposed changes to the FFG Act. The evidentiary basis for global warming and the consequential, potentially catastrophic, climate change is clearly established. Governments are obliged, both morally and through signature to various international agreements, to respond appropriately to the evidence provided by the scientific community and in the interest of the health and wellbeing of the communities which have given them that responsibility and of the life and material which constitutes our environment and has no voice of its own. Again, there is no doubt that humanity inhabits and is dependent upon the 'services' delivered through the planet's complex ecosystem, including the flora and fauna which both influences and is subject to global warming. Given that no significant review has been undertaken since global warming has become so well established, I submit that it would be prudent to include in the revised FFG Act a reference to the necessity for the Act to be revised with reference to, and in response to, the ongoing science on global warming and predicted regional effects, including an appropriate review schedule - I recommend annual, which ensures the connectivity and responsiveness of the Act to that science. Such responsiveness is vital given that the rates of change in global warming directly influence the conservation and adaptation strategies adopted by the government for the protection of flora, fauna and human communities. The government must reduce the risk of endangerment to these communities and can only do so by taking into account the context in which they exist i.e. a planet subject to global warming. Furthermore, it must be recognised that the complex flora and fauna ecosystems, in themselves, deliver substantial beneficial 'services' to the earth's atmosphere through the reduction of CO2 and it would be beneficial to make this connection within the FFG Act. I am pleased the Victorian government has progressed to review the FFG Act and make this submission for consideration.</p> <p>Specific Recommendations</p> <p>I support a number of the proposed changes in-principle and, where further work is needed, these are outlined below.</p> <ol style="list-style-type: none"> 1. Including a new goal in the act to protect, restore and enhance biodiversity is a great idea given that much of Victoria's natural environment has been significantly altered and requires restoration. This, combined with a continuing focus on conserving the natural environment, is a more comprehensive approach and mirrors the work of local government across the state to conserve and restore their local natural assets. Restoration must not come at the expense of conservation, the two approaches must be implemented together to give the natural environment the best chance of surviving and thriving into the future. 2. Strengthening the existing duty on public authorities, requiring them to act consistently with the FFG Act, will improve the current obligation. As with climate change, a whole-of-government approach to biodiversity preservation is needed for maximum effectiveness. Clarity for all public authorities is necessary to ensure that they are aware of, and can enact, their ongoing responsibilities under the FFG Act. This duty must also extend to compliance of the Act (including enforcement).

3. The targets suggested for inclusion in the state Biodiversity Plan should be based on the SMART principles. The FFG Act should allow for a more detailed legislative framework to enable the Biodiversity Plan to be more focused in its design and intent, including where targets are set.

4. Adopting a single, common assessment methodology, based on the IUCN criteria, is a good idea. The current situation where there are multiple listings does not make it easy for the community to track species listings. There must, however, be adequate funding for the state government to quickly set up the single listing and to list and remove species into the future.

5. Broadening the concept of critical habitat in the regulations to allow for the inclusion of areas needed for ecological processes is a good move. This critical habitat should also include habitat needed to ensure survival and conservation of a species or a community, habitat for recovery and to assist species to adapt to climate change. Mapping critical habitat on both public and private land will further provide the community with information about where species reside, and coupled with the common assessment methodology, will put information into the hands of the community.

6. Currently, Interim Conservation Orders are the main tool available to protect against damage to critical habitat, however they have not been used in the past. A permitting regime based on a 'maintain or improve test' could be included. This will work to protect against critical habitat damage providing it prevails over other Acts, schemes and Regulations.

7. The proposal to establish a new offence to damage habitat of threatened species of communities without a permit will only work if the exemptions for private land and certain industries are removed.

8. Allow for the illegal removal of native vegetation to be prosecuted under the FFG Act and not other Acts or Regulations. This will provide assurances to the community that the Act is able to protect native vegetation and gives certainty to the community, as well as would be offenders, that the state government is serious about protecting native vegetation and prosecuting against native vegetation destruction. Improving the compliance and enforcement of the FFG Act should be accompanied by an independent authority to monitor and enforce compliance.

9. Third party standing for judicial review and seeking injunctions will allow the community to help enforce and prevent breaches of the Act. Further extending standing rights to include merits review of important decisions and costs protections will improve transparency for the community.

10. Maintain Action Statements to ensure that communities can engage with the protection of threatened species and plan for recovery planning for threatened species.

11. The Act to be revised with reference to, and in response to, the ongoing science on global warming and predicted regional effects, including an appropriate review schedule - I recommend annual, which ensures the connectivity and responsiveness of the Act to that science.

12. Broaden protected flora controls to include a range of activities like road, rail or utility works, so that permits for destruction by such activities are required by the Act. In addition, there are a number of changes not proposed that should be included in the new Act. These are outlined below.

1. The current objective to guarantee that all taxa of Victoria's flora and fauna 'can survive, flourish and retain their potential for evolutionary development in the wild', should remain. The Victorian Government was leading the way in biodiversity protection on 1988 with this guarantee and it would seem to be a backwards move to remove it.

2. A welcome addition to the Act would be the inclusion of the precautionary principle, a basic pillar of modern environmental law, and an environmental restoration principle, to further enhance protections as discussed in #1 above.

3. The inclusion of an incentives framework to allow for landscape action plans, working in combination with individual species protection.

4. Protected flora controls must apply to both public and private land and to all industries, such as forestry (no exemptions).

5. The Wildlife Act should be reviewed in addition to the FFG Act to ensure consistency across both and no divisions between the two.

6. A new independent public entity to monitor, enforce and prosecute under the FFG Act should be created.

END
