

## Submissions on the Review of the Flora and Fauna Guarantee Act: Consultation Paper

Thank you for the opportunity to engage in this process. Due to time constraints I will not address the changes to the Act that I feel are positive or negligible only what I believe will have negative impacts on threatened species and biodiversity management.

### Introduction

The most pertinent issue and one that has not been addressed in this document is financial resources. This is a problem currently and will be continue to be a problem after proposed changes occur if it is not addressed. The reasoning of the proposed changes appear to miss this point when the current legislation in the form of 'Action Statements' is given as the reason species declines have continued. This is simply not true. It is firstly; the lack of resourcing management actions and secondly; the lack of resourcing staff to list species and write the Action Statements that has led to the failure. These reasons are clear to anyone who is interested or works in this field. New proposed changes appear to be just as resource intensive as the current legislation therefore without guaranteed funds there will be no positive change for biodiversity.

This situation is further entrenched by annual funding instead funding over the time it takes for actions to be delivered. Managers have to apply for funding and therefore waste time applying and waiting to see what resources are available to do actions. What is forgotten by governments (or ignored) is taxpayers are paying government workers to apply and to compete against each other for funds that they should just be awarded because the job needs to be done. Biodiversity does not recognise changes in governments and their changes in priorities. Therefore changes in the act need to be strong enough to withstand a change in government or the budget.

The successful increase in the population of the Mountain Pygmy Possum at Mount Buller is a great example of how management actions work when they don't have these bureaucratic burdens. The management of this species although it can be constrained financially is not constrained annually and therefore plans can be carried out consistently over a number of years. This is in stark contrast to DELWP and PV where there is ad hoc management because there is extra money that needs to be spent by June 30<sup>th</sup> or there is a lack of management in spring because annual money has not been received yet. This also goes into the community sector where things such as Landcare grants which are suppose to start in spring don't get financed till February. These constraints end up costing lots of additional money and time.

There is not anything particularly wrong in the current legislation that is failing it is the lack of economic resources and therefore the lack of importance government places on biodiversity that is 'failing to halt species decline'. The return on spending on biodiversity is recognised in this proposal

'...continuing on the current trajectory of decline in Victoria's natural capital could cost the state between \$16 billion and \$78 billion.'

Hopefully for these reasons this issue will be addressed or else the whole document is a waste of time for everyone.

## Proposed Changes

### Taking out the Guarantee

I do not think taking out the guarantee is a positive step towards stopping declines and assisting biodiversity. I think a guarantee is important to emphasise to governments and business the serious steps that need to be taken to stop species decline. Without a guarantee there is no strength to trying to recover species so recovery effort will vary more than current management.

The arguments made against a guarantee are not very clear for instance;

'The guarantee objective does not recognise the uncertainty that climate change brings for biodiversity. Climate change may require a consideration of biodiversity approaches. This includes a shift from attempting to resist changes to biodiversity in response to climate change towards helping species and ecosystems adapt naturally and build resilience to change'.

I do not understand what this paragraph means and it is unclear how ecosystem resilience is not part of a guarantee. I do not think this is a good enough reason to remove the guarantee that represents a clear and strong message. If biodiversity is worth so much a strong legislation is what is needed. Presently there is no need for species to go extinct if we carry out the management actions. Australia has a terrible extinction rate compared to the rest of the world I think taking out the guarantee acts more as a watering down of legislation rather than a real improvement. It is important that a decrease in declines is real not just an improvement because the messaging has changed

Not giving a guarantee for all species will mean resources will be wasted in who decides what species are not managed or what species the government will 'allow' to go extinct. There will also be public debate and it will become crippling. Again this is a backwards step for improving real species declines.

### Lists

I understand multiple lists are a problem. However currently I think because of the lack of resourcing to add to the threatened list the Advisory List has been useful. If that is not the case because there is funding to update the list more regularly and the Red List criteria is being adopted then the Advisory List may not be needed. However there are two reasons to keep some form of the Advisory List.

1. As there is no guarantee a change government will continue to fund personnel to keep the state list updated it may be good to keep the Advisory List as unfortunately it may be needed in the future to fill the function that it presently fills.
2. If the current changes take place and the legislated list is updated regularly it may still be useful to have an Advisory List but of a reduced volume. If criteria is to be given to the legislated species than the Advisory list could be used as a reduced list of only the species/communities/threatening processes that are waiting for nomination. This then can act as guide for the people employed to keep the list current and for any land managers (public and private) to be aware of possible changes. It still means there is the same amount of lists but changes the function of the Advisory List so that it is not duplicating information.

There is one thing about the ICUN criteria that is a flaw for declining species. That is if only active management for example fox control is the only thing that has stopped a species from declining then the animals should not be able to be delisted if the management is going to stop once the animals are delisted. This was one problem that was raised and accepted when the Southern Brown Bandicoot was nominated for delisting off the EPBC Act in 2014. It also does not recognise mass declines from a large part of the geographic range that has then stabilised (over a decade) because of management actions but the population is not at an ecologically functioning capacity yet.

## **The need for Action Statements for all threatened species/communities/processes**

Action Statements describe the species, ecology the threatening processes and then management steps to be taken to stop the species declining. This seems like a minimal requirement for a species that has been listed as threatened. There is much sway in this document to do away with Action Statements but there is not really any good reason for it (see also introduction 2<sup>nd</sup> paragraph onwards and below section 'landscape approach') and potential changes actually seem like they would be better with the guidance of Action Statements. So it seems unclear why you would do away with Action Statements. Furthermore the document emphasises the need for more guidance and many managers use Action Statements for this purpose.

It is true that Action Statements are not written for all species listed but as stated above this is a resourcing problem and the alternative improvements do not require fewer resources. A document for 'advice' and 'management actions' as two separate documents instead of one and having another expert panel to alert the minister once a species is in crisis (however crisis is defined) is not going to be any less labour intensive. Furthermore landscape management for multiple species first needs to be informed what management is needed before any management actions can take place. It therefore makes sense to keep Action Statements but the work can be easily reduced. This can be done by using the SAC's report after they have accepted a nomination and then add the needed management to it as the threats and ecology are already written.

It is unclear why 'advice' already written for species listed under the EPBC Act is to be used. Advice is written firstly as a national summary of the species and it is not talking about the management steps. Even the National Management Plans generally refer to the state plans. If there are no species management plans anymore because there are no Action Statements then how is anyone going to know what management the species needs. Does management 'advice' mean there are no compulsory management actions? This is unclear in the proposal but if it is the case it cannot be a positive step for halting declines.

'Provide objectives that can be measured and reported against and drive management responses that reflect contemporary approaches to conservation'

It is true that goals, timeframes and reviews of actions are definitely needed but these can be added to the management actions on the Action Statements. Action Statements can be improved and work on them streamlined but they are a good idea and they are used to guide management. I believe with proper resourcing they can assist halting the negative trajectory of biodiversity in Victoria and I do not think management advice will halt this trajectory.

Action statements typically contain a large list of actions for each listed species, community or threatening process. The action statement process does not guide how to choose between these actions to achieve a given objective, such as to benefit a single species or multiple species or to most effectively manage a threatening process. Decisions about what actions to take are often made in isolation without considering opportunities to benefit multiple species.

These suggestions can easily be applied to the current and future Action Statements. Actions can be scored and prioritised and separated into individual or landscape scale management

### *Single Species and Landscape Level Management*

What management is needed for each threatened species/community needs to be known to know to know which management actions will be most effective to a number of species. Therefore before landscape level management is planned management for threatened single species needs to be known.

This document tends to refer to landscape level management and single species management as if it is in conflict. Single species or landscape level management on the ground is currently not in conflict and does not need to be and the separation in this document is also not needed. Many management actions on Action Statements are similar across a broad range of species i.e. preventing the removal of hollow-bearing trees for arboreal mammals and birds; and predator baiting for medium terrestrial mammals. These two management actions are important for many species and can be coordinated at a landscape level. In actual fact rather than species either being managed at a landscape level or as a single species (as the quote below refers) it is usually that most species have management actions from both.

While many species can be effectively managed by actions that benefit multiple species, some species may continue to require focussed attention. Plans such as action statements that focus on the management of single species or specific threats have an important role in managing these species.

An example of this is the brush-tail rock wallaby. It needs very intensive predator control to expand its range it also needs an increase in its genetics and a captive insurance population because of its critically low numbers. Therefore this species landscape level management (predator baiting which is also helping multiple species) is already occurring and single management (captive populations and increasing genetic diversity) is also occurring. This species therefore is an example of an Action Statement with management actions working on a landscape level as well as working at a single species level as the species is at a critical point of decline. Therefore the landscape-level concept is not new, it is not in conflict with single species management and Action Statements are useful for both types of management.

So it is clear that landscape level management is already part of species recovery and these species through the management actions are umbrella species for other species to benefit from the management action also. Sweeping changes for the way management is carried out is therefore not needed just some reorganisation and resourcing.

Some management however is crippled by politics and therefore species and biodiversity will continue to decline. The loss of hollow bearing trees is threatening process nationally and at a state level and the process affects many threatened species at a landscape level. The reason it continues to occur however is not because of Action Statements are 'single species' centric it is the lack of political will. The action (stop the removal of hollow-bearing trees) is in essence an easy action.

This is also a good example why a compulsory action from an Action Statement (with possibly some caveats in dangerous situations) would actually help in stopping declines of threatened species and increase biodiversity at a landscape level. Again it is not the Action Statements that has failed these species its government not halting a recognised threatening process which effects species across the landscape. Again landscape –level management exists already but is selective and the new changes do not express a change to this selective management.

### **Principles**

A potential improvement is to represent shared values across government and the community. This seems good in principle however these values need to be weighted towards the species in decline. 'Shared values' is subjective depending on whose values are being looked at and who is looking at them.

There is also an emphasis on a 'balance between economic and social interests' if this can be achieved while still stopping species decline this is definitely the right path. However sometimes social or economic interests cannot be balanced with biodiversity therefore the principle needs to be clear that a balance is the goal 'when possible'. It needs to be kept in mind threatened species /communities are not in balance hence why they are in decline therefore economic and social interests cannot be put above restoring the declining biodiversity especially in biodiversity legislation.

### **Habitat Protection and Regulation**

The improvements in this section are good in principle however there is a need to address government departments that may also commit crimes of critical habitat destruction. There are high penalties for everyone else but if you work for government penalties do not apply. Even if the government takes itself to court or gives itself a fine it is the taxpayer that is ultimately being punished. The lack of individual responsibility in environmental breaches by government workers makes penalties to the public or private business rather unfair and in a way discriminatory. This needs to be addressed and a system put in place for individual responsibility of government employees for illegal habitat destruction.

The End

*My back ground*

