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Submission to the review of the Flora and Fauna Guarantee Act.

Prepared by Goongerah Environment Centre (GECO)

Thank you for the opportunity to provide feedback on the proposed changes to the Flora and Fauna Guarantee (FFG) Act.

This submission is made on behalf of the Goongerah Environment Centre (GECO). We are a grassroots community group who campaign for protection of East Gippsland's forests and threatened species. We are interested in the review as we are involved in citizen science surveying for threatened species listed under the Act and have a number of key concerns about how the Act can be improved.

There are several areas of the proposed changes to the FFG Act that we are supportive of in principle. However we also feel there are some major shortcomings and proposed changes that we strongly do not support.

Proposed changes we support in principle:

Section 4.3, p 52-53

Adoption of common assessment methodology – based on IUCN criteria – for listing and obligation to maintain a single comprehensive list of threatened, species, communities and threatening processes.

Comment: We welcome this proposal, however the discussion paper's proposed 10 yearly renewal of the state wide biodiversity plan is inappropriate. We recommend this take place every five years.

Climate change and other threatened processes are rapidly accelerating declines in threatened species and communities. Ten yearly renewals are inappropriate because significant declines in species may occur within less than ten years and these declines may need to be urgently addressed.

Section 4.4, p 57

Introduction of new criteria to broaden the concept of critical habitat in Regulations.

Critical habitat can currently be protected under the FFG Act, however this has not happened. The discussion paper notes that government has found identifying critical habitat to be problematic.

Proposed reforms in this section suggest the Secretary of DELWP could establish a program to map proposed critical habitat on both public and private land.

Comment:

In other jurisdiction such as Canada¹ and United States² have been successful in identifying critical habitat for threatened species, therefore it is possible in Victoria. The Scientific Advisory Committee (SAC) would be the most appropriate body to identify critical habitat. If the Secretary is to establish a program to map critical habitat they should utilise the SAC to undertake this task.

Section 4.4 pg. 63

Illegal removal of native vegetation to be prosecuted under the FFG Act

Comment: This would enable a breach of the native vegetation clearing regulations to be enforced under the FFG Act. This is a positive proposal, however it will only be effective with institutional reform, including the creation of an independent regulator and accompanied by proposed enforcement, compliance and accountability improvements.

Proposed changes we do not support:

Section 4.1 pg. 36

Abandonment of 'the guarantee'.

We are alarmed at this proposed change as it signifies a downgrading of the government's commitment to ensuring *all* species of flora and fauna in Victoria should survive in the wild.

The proposed changes do not adequately articulate why the proposed removal of the guarantee is necessary. The proposed change suggests the current guarantee does not take into consideration the uncertainty that climate change brings for biodiversity. However the proposal does not articulate why this is a good enough reason to abandon the guarantee.

We strongly believe it is possible to adopt new approaches to biodiversity conservation, that take into consideration the inevitable changes to ecosystems that

¹ United States Fish and Wildlife Service, Department of the Interior and National Oceanic and Atmospheric Administration, Department of Commerce (2003) *Endangered Species Committee Regulations – Sub chapter A. Part 424 – Listing Endangered and Threatened Species and Designation CriticalHabitat*. <https://www.gpo.gov/fdsys/pkg/CFR-2003-title50-vol6/xml/CFR-2003-title50-vol6-sec424-12.xml>

² Environment Canada, 2004, *Species at Risk Recovery Program - Federal Policy Discussion Paper: Critical Habitat*. http://www.sararegistry.gc.ca/virtual_sara/files/policies/Critical%20Habitat%20Discussion%20Paper%5Fe%2Epdf

climate change will cause, while still maintaining ambitious targets to prevent extinction of all species of flora and fauna.

In this regard we believe a proposal to abandon the guarantee and downgrade commitments is unnecessary and signifies a lack of will to fully tackle the challenges associated with halting the decline and extinction of our flora and fauna.

The proposal to abandon the guarantee in favour of landscape based approaches suggest the government is using climate change as an excuse to actively take less measures to prevent extinction of all species.

Section 4.3 pg. 47 and 49

Drop the requirement for action statements for all listed threatened species

We strongly oppose this proposed change. Producing action statements is the only binding action that the government must take to protect threatened species. It is of great concern to our organisation that the government is proposing to drop the only binding action they have complete when a species is listed.

The discussion paper proposes the creation of a new “Biodiversity Planning Framework” that would replace the requirement to prepare action statements for all listed threatened species. The framework would replace the requirement with four components; Conservation Advices, Priority Actions, Biodiveristy response planning, Management advices.

Replacing one requirement (action statements) with a plan requiring four components is over complicated. Conservation advice, priority actions, responsive planning and management advices could all be contained in one document; action statements. These should be written by one group of scientists or experts, such as the SAC.

Problems with proposed tiers of Biodiveristy Planning Framework

Conservation Advices:

This advice is already required within existing action statements, why it would be beneficial to duplicate this advice in a separate document is not made clear in the discussion paper.

The paper sates the conservation advice may not be required if Commonwealth advice exists. Whilst this may improve efficiency and create less work for DELWP, Commonwealth listed species facing threats that are specific or unique to Victoria should have their own Victorian based conservation advice prepared.

The Greater Glider fore example (not currently listed on FFGA but subject to a preliminary recommendation by the SAC to list it), has commonwealth advice however the threat to the species posed by logging in its habitat is most severe in

Victoria. Logging in Greater Glider habitat is more prevalent in Victoria than any other state, therefore addressing this threatening process through Victorian based conservation advice would be more effective than relying solely on Commonwealth advice.

Priority Actions:

The Discussion paper states that priority actions ‘would be developed from an analysis of synergies and efficiencies across multiple species, threats and locations to identify the most beneficial actions.’ It is unclear what this statement actually means, however it is clearly a shift away from single species protection actions.

We are concerned that landscape scale and ‘multi species’ approaches may water down protections at the species level by applying actions to multiple species rather than species specific actions that adequately address the individual needs of each species.

The discussion paper indicated that DELWP would use existing databases to produce priority actions. This may be problematic because of reliance on outdated data that does not incorporate new species detection.

We also question how it will be possible to prioritise necessary actions without comprehensive action or recovery plans? We believe there is a strong need for single species action statements, see further comment on this below.

Biodiversity response planning:

As stated above we believe landscape or area based approaches to biodiversity planning should not come at the expense of weakening protections at the species level.

Management advices:

The discussion paper states that only some species will have management advice developed and it is expected there will be ‘limited cases’ where advice will be needed. This means some species will not be afforded management advice at all and it is unclear what criteria DELWP will use to assess whether management advice is required.

We recommend management advice be developed for all species as currently required through the development of single species action statements.

It is more effective to manage a threat for a vulnerable species then to delay management actions until the species is endangered. To prevent FFGA listed vulnerable species becoming endangered action statements and management actions should be developed in the early stages of the species listing. This approach is also more cost effective.

Action statements are critically important to establish recovery planning for threatened species by compiling expert advice on threatening processes and proposed actions to mitigate their impacts and maximise the chances of species survival.

Action statements for specific species also inspire communities to protect their local places that are critical to the survival of individual species.

Conclusion:

Whilst we support some of the proposed changes in principle, overall we see the proposed changes to the Act as a downgrading of the governments commitment to protect threatened species. We strongly urge DELWP not to implemented the proposed changes to Act that we do not support, as detailed in this submission.