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Subject: Submission to the Review of the FFG Act 1988

Date: Sun, 5 Mar 2017 15:57:25 +1100

From: [REDACTED]

To: [REDACTED]

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Submission to the Review of the Flora and Fauna Guarantee Act 1988

It appears to me that the stated objectives of the new act do not adhere fully to the stated objectives of the original FFG Act 1988, which was a world leading piece of biodiversity protection legislation. I cannot see where the 'guarantee' is reiterated that 'all species shall survive and flourish in the wild'.

The lack of such a guarantee is regrettable and from the beginning weakens the biodiversity targets and outcomes possible under a revised Act. Perhaps those conducting the review felt it impossible to achieve this objective, as it has not been properly achieved in 29 years of the FFG Act implementation. If that is the case, this is a defeatist stance. Climate change is the greatest threat to the preservation of species in the wild, and maybe it is necessary to embrace the notion of preserving all species in protected places as well as the wild. The tools of the FFG Act i.e. the List, the Action Statements (mandatory), the Management Plans (not mandatory), the Critical Habitat Determinations and Interim Conservation Orders are good ones, and should be strengthened, and made mandatory. However, we need that strong notion of protection and guarantee of survival, as in the original Act, to justify the stronger implementation provisions of a revised Act.

This is the whole nub of the question. It is not that the original Act was lacking, but that it was never enforced. Hence, I applaud the improved Protection and enforcement measures of Critical habitat protection and incentives, stronger penalties, improved enforcement tools and streamlined protected flora controls.

However, I think this new act must go further if it is to succeed in protecting Victoria's biodiversity.

In my experience there should be no exemptions for Government instrumentalities or Public Authorities. They should be subject to the same provisions as private citizens. They should in fact set an example of how to work with the community to preserve biodiversity whilst enabling public projects to go forward and be planned in the most eco-sensitive way.

I say this because of recent experiences with VicRoads and the Ravenswood Interchange and Joc Comini Truck Stop just south of Bendigo. There VicRoads planned to remove, and is in the process of removing, nearly 3,000 trees, most of which are ancient, original, irreplaceable, and of unique genetic and biodiversity value. Local representations were made to VicRoads in early 2016 and it was ascertained that they had not monitored these trees before plans were made, nor was there a proper Environmental Impact Assessment provided which considered the effects of vegetation loss on the landscape, micro-climate or water-table of Ravenswood and Bendigo. The plans for the positioning of the road were laid according to cost only, with no thought for flora or fauna, subsoil structure, erosion, or water quality in surrounding creeks. Despite the desperate pleas of locals VicRoads has gone ahead with their planned destruction making a very few, minor concessions to community concerns. The area is decimated, the biodiversity loss is large, according to locals, but of course can not be known because there were no baseline measurements. Eagles, tuans, gliders, owls, lizards, bats - all had been casually but regularly observed for decades as users of these trees in the road reserve and in the acquired adjacent properties. None of this was taken into account.

This travesty of planning is repeating itself again on the Western Highway into Stawell. There is no proper community consultation, no transparency, no consideration or care for the landscape or the biodiversity it supports, no thought of the water table or alternative routes to minimize losses. This must stop and the FFG Act must see that it does.

I acknowledge that the problems are many and difficult. For instance, in ridding the alps of the many species of deer authorities would incur the wrath of shooters - the very people they may need to have on side to erradicate the pests. And, as we all know, hunters reintroduce pests to areas free of them in order to promote their sport. Climate change will alter the character of what is indigenous to an area, and just what should be erradicated or not. Much of what is to come will be uncertain with little time for science to drive decisions. However, this act must be so strong that it requires proper funding and that governments tackle these problems bravely, comprehensively.

The changes suggested in the review are a beginning but must go further to strengthen the ability of the community to protect biodiversity.

I recommend that the review:

1. Rewrite the objectives of the FFG Act to more strongly protect existing flora and

fauna

2. Ensure that no exemptions or special treatment provisions are made for government departments or certain industries
3. Make provision for the Minister to intervene immediately to stop destruction of species or habitats under threat
4. Require proper transparency in planning, monitoring and meaningful community consultation before plans are drawn
5. Make penalties significant and real, and incentives attractive and meaningful to the landscape
6. Set targets and timelines to require funding of threatened species recovery programs including protection of habitat, recovery of species and reintroduction into the wild.
7. Give the community the ability to initiate legal action to protect threatened species

If we do not act **IN THE STRONGEST POSSIBLE WAY** even common species will disappear from Victoria. Imagine life without the kookaburra, magpie or willie wagtail! All species have a right to exist for themselves. But all species are interconnected and need to exist for each other, and this includes humans. We can not simply say "Oh, this looks too hard in the face of climate change, over population, development pressures." We must see that the law requires the protection of all species, and guarantees that all species survive and flourish in the wild.

Thank you for considering my views,

Yours faithfully

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