

Corangamite CMA response to the Review of the Flora and Fauna Guarantee Act 1988 – Consultation Paper

The Corangamite Catchment Management Authority (CMA) considers the proposed changes to the Act encapsulate the key themes that are needed to improve biodiversity outcomes across the state of Victoria. We feel the links to the draft Biodiversity Strategy 2036 and the new native vegetation clearing regulations are clear.

We agree that a revised Act should provide a modern overarching framework for biodiversity protection and management in Victoria, and strong and effective protection for Victoria's native species and important habitats. We strongly agree with the proposed landscape scale and multiple species approach.

Setting the direction

We support the revision of the current objectives and that the Act ensures that statewide biodiversity targets are established. We recommend that in setting these targets that regional expertise should be used and that they carefully consider how they can link to the "no net loss" approach of the native vegetation clearing regulations. We would encourage an ecological vegetation class (EVC) approach to ensure that specific high value and highly threatened EVC types are protected, such as identifying critical habitat.

We also strongly support the landscape (or area-based) and multiple species approach, and draw attention to the important role that regional catchment management strategies can play in this area. This is particularly relevant to the planning and delivery of the landscape (or area-based) approach at a regional scale, with appropriate local community and stakeholder input, and within an integrated catchment management context.

Whilst we support an objective for managing the impacts of climate change, we believe this objective could be strengthened by ensuring that climate change science and planning is used in decision making relating to the potential loss of biodiversity (e.g. through the native vegetation clearing regulations) and in identifying critical habitat under the Act (e.g. protecting refugia, and consideration of if or how we continue to invest in areas that are expected to change dramatically over the longer-term).

We support the provision of principles in the Act to guide decision making, and in particular the primacy of prevention (prevent/avoid impacts first) and that regulation of the Act is sufficient to ensure appropriate weight is placed on related offences under the Act.

Coordination and integration across government

Whilst we agree that coordination and integration across government is essential in achieving the Act's objectives, it is unclear what the existing duty and relevant accountabilities mean and we would welcome the proposed clarification of this within the Act.

As detailed above, reference to other related NRM based Acts and planning and delivery frameworks, such as the integrating role of regional catchment strategies, would assist.

We would also encourage consideration of how private land and private land managers interact with the Act and their duty of care for biodiversity conservation. Of the land in the Corangamite region, 78% is in private ownership and the duty of care to protect threatened species and their habitat on this land should be incorporated in the Act. Strengthening the inclusion of threatened species into the proposed new native vegetation clearing regulations may be one option.

Strategic approach to biodiversity planning and species listing

We agree that the existing approach has not been effective in halting the decline of biodiversity in Victoria and believe that the current approach of using action statements for individual species are an example of a major inefficiency in this approach. We support the potential new biodiversity planning framework (Table 11), and in particular aligning to Commonwealth listings and advice if it is already available.

We commend the landscape (or area-based) and partnership approach to priority actions and biodiversity response planning, and draw attention to the regional expertise that sits within Corangamite and other CMAs. The Act should specify how these landscape or area-based responses should be carried out for restoration and regulation to support this effort. Refer also to comments above regarding the coordinating role that regional catchment management strategies can play in this area.

We support the use of IUCN categories and criteria and a Common Assessment Method and the re-assessment of all species that are currently listed. As proposed in the paper, maintaining this list in a comprehensive state would be required, and this would need adequate resourcing to undertake, including the extensive related monitoring and evaluation.

Habitat protection and regulation

We support the defining and mapping of critical habitat and also inclusion of areas important for maintaining ecological processes, and caution this action if there are not regulatory controls in place that can prevent damage to these areas. In addition the assessment guidelines for the native vegetation clearing regulations would need to incorporate and allow for detailed assessment of any sites that fall into this critical habitat category. We believe this is not currently the case within the new guidelines and this would need to be addressed so that the native vegetation clearing regulations and assessment guidelines are consistent with the FFG Act and can support these critical habitats.

We support establishing an offence to damage habitat of threatened species or communities without a permit, and would stress that this would be a necessary offence to allow for effective implementation of the Act.

As mentioned above, the private sector needs to be considered within this Act for it to be truly effective. A suite of tools for persuasion and enforcement needs to be available to regulate this area if required. This should be, at a minimum, consistent with offences and penalties under the native vegetation clearing regulations.

Again, to be effective in this space, resourcing will be required to enable any enforcement duties (public or private sector) to be carried out. If available, this would make significant improvements in the effectiveness of the new Act.

Accountability and transparency

Relating the objectives in the Act back to the targets that will be set in Biodiversity Plan will ensure there is accountability in delivering the Act. Using some minimum targets within the Act itself should be considered to ensure its effectiveness and to strengthen this accountability. One example may be setting up and using environmental accounts to set these minimum targets.

The Act and Biodiversity Plan will require significant and on-going resourcing for monitoring and reporting against these, or related targets.

We also support the requirement for a five-yearly independent public report on progress in achieving the statewide biodiversity targets. Again, we stress the importance of adequate monitoring and recording of data throughout the whole implementation period and resourcing to enable this to occur.