



Friends of Nillumbik Inc.

P.O. Box 258 Eltham 3095
mail@friendsofnillumbik.org

Submission on the review of Victoria's Flora and Fauna Guarantee Act

Friends of Nillumbik Inc. (FoN) is a grassroots not-for-profit, community volunteer group. We have around 1000 supporters who live and work in the Shire of Nillumbik. The purpose of our association is to support and promote the environmental and landscape values, neighbourhood character, orderly planning and good governance of the Shire of Nillumbik.

The laws that are supposed to protect nature in Victoria are not working. The existing legal framework will not prevent further losses of biodiversity.

The purpose, principles and objectives of the FFG Act need updating so they reflect current priorities in biodiversity management and goals such as **restoration**, and the need for **resilient ecosystems in the face of climate change**.

Public authority obligations need to be expanded so they are required to act consistently with the provisions of the Act.

Landscape-scale conservation and restoration must become a central focus, regulated and guided by a new part of the Act which should incorporate 20-year biodiversity targets across a range of indicators, a legislative governance framework for a restoration strategy and landscape action plans for regional landscapes. We need clear targets and timelines to direct investment and programs for threatened species protection and recovery.

The threatened species provisions of the Act should be retained but overhauled to improve their efficiency and capability to protect threatened species and reverse their steady decline. Mandatory obligations to designate critical habitat for listed threatened species, communities, and populations, must be included. Current exemptions to existing controls need to be revoked so that controls are applicable to all sectors including forestry, and on private as well as public land.

The compliance and enforcement mechanisms in the FFG Act need a major overhaul with respect to both public and private sector accountability. For private sector accountability the Act must include an effective civil enforcement regime with dissuasive penalties and options for criminal prosecutions. The community should have the ability to initiate legal action to protect threatened species. A new entity should be created with the specific function to monitor and enforce the FFG Act, including where public authorities fail in their obligations. We also need a Ministerial power to directly intervene when important species or habitats are under threat.

Governments of all persuasions have failed to direct sufficient resources into the effort to conserve our species. There's been a deplorable lack of willingness to act, resulting in cynicism and despair amongst those who care deeply about our natural heritage.

In the municipality of Nillumbik recent local council efforts to protect significant habitats of the Shire's Green Wedge through a local policy Planning Scheme amendment, have failed due to political lobbying by opponents. A scare campaign carried through into local elections produced a council majority much less sympathetic to environmental causes. For example, council submissions now give priority to human safety rather than habitat retention and a planning permit has been issued for the removal of 746 trees on an undersized, habitat-significant, fire-prone allotment in a Rural Conservation Zone, to be used for rural-residential purposes. The approval was given against officer advice.

We believe Nillumbik's experience demonstrates that local authorities are insufficiently resourced and too politically vulnerable to effectively manage vital biodiversity issues without support from State legislation and enforcement. The Flora and Fauna Guarantee Act must be strengthened and applied so our unique species have a future.

 (President)
On behalf of Friends of Nillumbik Inc.

26th March, 2017