



*Equus caballus*



*Bos taurus*

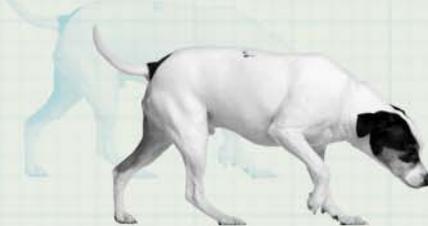
# Review of the *Flora and Fauna Guarantee Act 1988*

RSPCA Victoria comments on consultation paper

09.03.2017



*Ovis aries*



*Canis lupus familiaris*



*Felis catus*

## RSPCA Victoria comments

RSPCA Victoria is pleased to be able to contribute to the review of the *Flora and Fauna Guarantee Act 1988*.

Overall, the consultation paper is well written and generally covers the issues involved. It highlights the deficiencies in the current legislation and shows where improvements can be made.

While recognising the need to move from the 'emergency end of biodiversity decline' and reactive interventions to a more strategic approach, RSPCA Victoria endorses the objectives of the current legislation to 'include an explicit guarantee for all species to survive and flourish in the wild'. Whilst this is an aspirational goal, it still sets the overarching tone for the legislation.

RSPCA Victoria recognises the need to move to more landscape or area-based approaches, but still expects individual species to be afforded every protection.

The focus on climate change and the extra pressures on biodiversity this brings ensures that the revised Act will be very forward-looking.

RSPCA Victoria is concerned that the range of compliance and enforcement measures under the Act are limited and penalties for breaches of the Act do not act as a sufficient deterrent.

Proposals for future links with other legislation that directly influences the treatment of wildlife are not clear in the document. The *Wildlife Act 1975* is briefly mentioned under 'The current approach' but any future synergies are not covered. The *Wildlife Act* governs the utilisation of wildlife, including the hunting of duck and other game. It is important to RSPCA Victoria that the treatment of species other than those considered to be threatened is clearly established in legislation and the links to conservation and planning shown. Similarly, the *Catchment and Land Protection Act 1994* is listed in the paper but no reference to future links is made. This Act impacts directly on wildlife and introduced species through the control of pest animals and, again, explicit links to the future should be shown. While recognising the need for a landscape approach, the welfare of individual animals, including wildlife, is paramount to society. Therefore, future links to the *Prevention of Cruelty to Animals Act 1986* should also be included.

Regardless of the sophistication of the proposed legislation, it will still be incumbent upon the government to move beyond rhetoric to on-ground action. The failure of governments to properly implement the *Flora and Fauna Guarantee Act* and to use the tools included in the current Act, including Interim Conservation Orders, is well documented in the paper.