

**ONLINE SUBMISSION DETAILS**

<b>Date Received</b>	28/03/2017
<b>Organisation</b>	Birdlife Australia Victoria Group
<b>Postcode</b>	
<b>How do you think we should improve the FFG Act?</b>	<p>The Gaurantee:</p> <p>The legislated guarantee to prevent species extinctions should be kept within the new act. Maintaining the guarantee is not in conflict with the suggested approach. The revised objectives should be subordinate to the guarantee. The implication that the guarantee is too ambitious is an admission of defeat and waters down the intent of the act.</p> <p>We support the need for measurable objectives and would include regular reporting against the conservation status of listed species as a measure of the effectiveness of the implementation of the act. Reporting should be every five years in order to maintain responsiveness to changes to the status of native flora and fauna.</p> <p>Objectives:</p> <p>Sustainable use: The objective for sustainable use of native flora and fauna is rarely achieved. The hunting of waterfowl is currently not sustainable given the impacts on their habitat e.g. draining of wetlands, and the impacts on other species not listed as game.</p> <p>Integrating and balancing environment, social and economic objectives: This process risks a serious undervaluing of the biological objectives. The 'balance' always results in a loss of biodiversity. Biological assets are very difficult to measure and value when weighed against economic objectives. The aim should be to avoid and / or minimise the damage to environmental assets. Where damage can't be avoided any offsets should result in net gain to the environment. Damage to critical habitat should always be avoided.</p> <p>Halting the overall decline of threatened species and communities and securing the greatest possible number in the wild in the context of climate change: This should include migratory species such as shorebirds. While these species may come under other legislation (EPBC, etc) there is no guarantee that they will be adequately protected under other legislation or that legislation will be adequately enforced.</p> <p>Principles:</p> <p>These principles should also include the precautionary principle to find alternatives or avoid the need for developments to have adverse impacts on protected flora and fauna.</p> <p>The Act should also acknowledge and encourage environmental rehabilitation as a means of improving the status of threatened species.</p> <p>We support the adoption of IUCN criteria for the listing of threatened species. This will give a more nuanced listing than the current system as well as bringing listings into line with international standards.</p> <p>Clarify and strengthen the existing duty on public authorities by setting out in the Act what the duty requires.</p> <p>This needs to go further with public authorities providing exemplary performance when it comes to protecting native flora and fauna. Public authorities must be required to act consistently with the act.</p>

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We support the clarification of the definition of public bodies to include government departments as well as authorities.

We do not support the removal of the requirement for permits for destruction of protected flora and fauna or ecological communities for activities such as road and rail building. Without regulation under FFG there is no regulation for these activities. Road and rail corridors are important and often the only habitat remaining for threatened species. Controls of habitat destruction in these areas should be broadened, not reduced, with appropriate guidelines as to how they should be implemented.

**Action Statements:**

The requirement for action statements appears to have been dropped. While there are major short-comings resulting from the backlog in preparing action statements this is a problem of resources and implementation rather than the concept. Action statements are essential for planning for species recovery. There is need for greater resources to be mandated for their development and implementation.

**Critical Habitat:**

There must be better protection and support for critical habitat for endangered species. Once critical habitat has been identified there must be a robust mechanism to enable it to be protected ie a ministerial declaration.

The operation of the Act should allow for critical habitat to be acquired by the government or Trust for Nature and to be permanently protected.

Critical habitat definitions should allow for the dynamics of seasonal and longer term changes such as the effects of drought on wetlands.

**Data Collection and Databases:**

Many of the actions taking place under the Act (critical habitat definition, assessment of threatened species, etc) are dependent on good data. Better integration and timely updating of flora and fauna databases is essential. There also needs to be better use made of citizen science databases which often contain data that is not in the official databases.

**Enforcement:**

There must be better mechanisms for the enforcement of the Act with a range of legal tools. We support the introduction of civil penalties for breaches of the Act along with improved powers for compliance officers.

Penalties for breaches, particularly by corporations must be sufficient for them to be a deterrent. Penalties should also apply to government authorities.

Penalties should include restoration of the damage where applicable and possible.

An independent monitor would help ensure that the act is enforced and independently monitored.

Including third party standing under the act will increase public engagement and improve enforcement when provisions of the act are broken. Community standing is essential when it is public authorities, possibly even those administering the act, who are in breach of the act.

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