

**Submission regarding the Victorian Government's Flora and Fauna Guarantee Act Review**

I wish to make a submission with respect to the Review of the Flora and Fauna Guarantee Act 1988 as currently proposed.

**Submission to The Victorian's Government Review Into Flora and Fauna Guarantee Act**

For many decades it has been recognized that more and more of Victoria's native flora and fauna species are steadily and continuously sliding towards extinction. Already over 80 terrestrial species have become extinct and over 1000 species are threatened with the same fate. Numerous Reports from the Auditor-General's Office, peer-reviewed academic papers, statements by community groups, and State of the Environment Reports all testify to the dismal state of Victoria's biodiversity and that the situation continues to worsen. Many of these reports indicate that there has been a systemic failure of governance to address or alleviate the problem. References in these reports criticize a low political commitment to the environment; weak laws and poor enforcement of what laws there are; a lack of effective coordination between laws, administration and implementation programs; and extremely inadequate funding.

So it is unsurprising that both species numbers and distribution ranges continue to decline, especially when habitat types (ecological vegetation classes) are so poorly managed that over half those found in Victoria are seen as threatened, with eleven being listed nationally as endangered or critically endangered. Improved governance and legislation are required if such declines are not to merely increase.

However, whilst recognizing that strong action must be taken to stop our native flora and fauna species continuing down the road to extinction, the present formulation of the Review contains some severe deficiencies that are likely to simply continue the governance errors of the past. Rather than discuss the good points of the Review therefore, these perceived deficiencies shall be gone over, as the mistakes of the past shall simply continue if they are not addressed.

A major concern is the system of exemptions to the Flora and Fauna Guarantee Act. These exemptions have been applied historically to various industries and government departments, and enable them to simply ignore and bypass the provisions of the Act. Yet the Review does not remove the exemption system despite all the historical evidence that it does not work – if it did then the Review would probably not be necessary! Indeed it is likely that the exemptions increase the probability of poor management procedures through making it possible to ignore both accountability and public scrutiny. Having to follow due process in a permit process would enable a greater focus on the importance of biodiversity issues as well as on over-riding

government policy but instead the exemption system concentrates management attention onto a narrower corporate culture in which the wider picture may be ignored.

Hence the Review needs to remove the exemption system and increase the importance of biodiversity in government decision-making, so that biodiversity becomes a primary focus, and one in which scientific evidence is used as the major criteria in all decision-making. Indeed the Review should be strengthened in such a way that critical habitat provisions are much more rigorous, and the provisions of the Act should apply equally to all government departments, private companies and individuals. Equality before the law is a guiding principle of all true democracies. Moreover the work practices of both VicForests and VicRoads, historically exempted from considering the provisions of the Act, have been associated with poor management procedures that have led to severely inadequate protection for our endangered species. If the Review removed exemptions from the Act, a greater transparency in the operations of such departments would be achieved, which would allow for more efficient management and accountability.

Improved management would also result in a better use of taxpayer money, as well as better outcomes for our endangered species. The Age (23/5/15) quoted an internal government document which stated “Logging in East Gippsland is not commercially viable and cutting down native forests across the region is racking up losses of up to \$5.5 million a year”, whilst the Sydney Morning Herald (12/9/11) concluded that continued logging over the decades (and bushfire) meant nearly all the Central Highlands old-growth forest was gone and that this type of Mountain Ash forest is becoming unrecoverable, given the enormous reduction in the number of trees present (from the US journal the *Proceedings of the National Academy of Sciences*). Yet the logging continued for years, despite its impact upon the critically endangered Leadbeaters possum (until Federal intervention occurred for some areas at least). According to the Victorian National Parks Association, “In addition to the direct losses from exemptions, the Victorian Government’s own reporting shows that the third-largest cause of native vegetation losses occurs through ‘insufficient management of threats on public land’.” The exemption system is simply not working adequately to protect our threatened species and the review should disallow it.

Moreover, if the exemption system were removed, VicRoads would be better guided in its management of roadside and rail reserves, through having to consider biodiversity before tree and other vegetation removal. Roadside reserves are an important part of Victoria’s biodiversity and conservation values need to be included in management plans on a less ad hoc basis. A permit system would allow management to ‘tick off’ the conservation boxes before works were begun, like urban management must consider pipe infrastructure etc before beginning their maintenance.

However the retention of the exemption system is not the only weakness to be found in the Review. The Review lacks sufficient detail in specifying the criteria for when a habitat or species is to be classified as endangered or critically endangered etc., and the Minister needs greater power for immediate intervention in cases of sudden or important threats to key habitats or species. Furthermore the role of Action Statements, Recovery Plans and Threat Abatement Plans is neglected by the Review, but these are essential management tools that specify the actions required to help species recover and reduce the various threatening processes.

Nor does the Review enter enough into the role of an independent authority responsible for monitoring and enforcing the Act, just as it does not allow enough for inputs from both the scientific community and more diverse groups in the wider society into the decision-making process, or grant greater access by the public to relevant information about our flora and fauna. Indeed the vision the Review presents of public authorities as model guardians adds an element of farce – if public authorities were indeed model guardians, our native species would not be in such dire straits.

However the review contains even greater weaknesses, as there is a loss of guarantee for individual species. It is true that habitat protection is crucial, but so is the protection of individual species. Both approaches should be combined to form an integrated and unified overall 'umbrella' protecting our biodiversity. Neither the landscape approach, nor the consideration of individual species is sufficient on its own. Moreover the review also weakens current protections through the loss of mandatory action proposals.

Finally it must be recognized that a shift in government thinking must occur, so that our biodiversity is prioritized in policy, with better legislation and implementation of same, and massively improved funding. The Review forms an inadequate tool for these aims unless the weaknesses discussed are addressed.