

South East Water Flora and Fauna Guarantee Act Review Submission

South East Water, located in Melbourne's south east, is one of three metropolitan water utilities that provides water and wastewater services across Melbourne. Our region covers more than 3,640 square kilometres and borders more than 270 kilometres of coastline along Port Philip Bay and Western Port. Currently, we provide water services to more than 675,000 residential and 58,000 commercial and industrial properties that rely on South East Water 24/7 to provide their water and remove their wastewater. We also provide almost 12,000 of these properties with recycled water. This equates to more than 1.7 million people.

South East Water appreciates the opportunity to comment on the Flora and Fauna Guarantee Act Review as it has direct impacts on our business. Overall the proposed improvements will be positive for species protected under the Flora and Fauna Guarantee Act are considered positive, particularly with regard to the more comprehensive listing of threatened species and the consistent standards between different tiers of Government. However, there needs to be more information and clarity around methods to prevent biodiversity loss and how the regulations will be implemented and enforced.

Setting the direction

A positive step will be to adopt a consistent approach to categorising species by incorporating international standards and Australian standards rather than just Victorian. This is in support of a singular focus and a holistic approach to maintaining biodiversity. It is considered important to include adapting to climate change as an objective, however, this needs to be selective and tailored to individual species, or each Ecological Vegetation Class (EVC) for example. This strategic approach would be more effective, rather than focusing equally on species that are going to become extinct.

The Traditional Owners Settlement Act is a good vehicle to include Traditional Knowledge, however clarification is required around the practical applications of this input. Additionally, it is unclear as to whether this will be included as a confirmed or optional objective. Intergeneration and intergenerational equity is an important step, however the principals behind this and the methods for enforcement are unclear.

Coordination and Integration across Governments

It is not in the mandate of some public authorities to enter into a public authority management agreement. There needs to be clarity around the definition of a public authority and which are required to write and adhere to such agreements.

We agree that a comprehensive list of threatened species is needed, consistent with Australia-wide standards.

Strategic approach to biodiversity planning and species listing

There are a number of improvements that we support in relation to biodiversity planning and species listing, which include:

- Consistency between the FFG act and the native vegetation clearing regulations, in terms of objectives.
- The risk based approach and the multidisciplinary committee to make recommendations.
- Priority actions for endangered species, which ideally should be made public.
- Inclusion of Aboriginal traditional knowledge of species in the priority actions.
- Introduction of adaptation to climate change as an objective and accompanying parameters and include how climate change will affect biodiversity. However this could also be achieved by more specific objectives and regulations.
- Enforcement of preventing illegal removal of native vegetation, but require further clarification around how this will be achieved.
- Habitat importance maps for holistic implementation. Maps need to provide more specific information on which species are in the area. Qualified/certified applicants should be able to contribute to the maps to enhance accuracy. Ideally, there should be just one mapping system with integrated information about threatened species that is more user friendly.
- International Union for the Conservation of Nature (IUCN), EPBC Act and FFG need to be integrated effectively in order to provide consistency for applicants between the tiers of authority. This could be through global standards of biodiversity. This is listed as a potential improvement, however, there is a lack of information around how this will be implemented. There also needs to be clarity around which standards take priority if there are discrepancies. For example, establish a core set of standards to take precedence.
- That the EPBC Act continues to support threatened species is important.

Habitat Protection and Regulation

In the Habitat Protection and Regulation section, we agree that better mapping systems are required. We advocate for a streamlined or fast tracked system for Aboriginal Traditional Owners to apply for approval to remove vegetation, provided they comply with the Traditional Owner Settlement Act. This shows a great deal of respect towards the Traditional Owners and their knowledge on environment and land management.

As was mentioned in the previous section, qualified/certified applicants should be able to contribute to maps of threatened native species. Furthermore, it is also important for this information to be publically available and encourage authorities to check the mapping system before undertaking any high risk activity that could potential cause damage to native species. We propose a “Dial Before You Cut” mechanism, similar to the “Dial Before You Dig” tool, however this needs to be enforced and known within the industry to ensure it is widely used. .

We support an expansion of the earned autonomy program. It is a positive step to introduce stronger penalties for breaching regulations, however, greater clarity around how this will be monitored and enforced is required.

Accountability and transparency

The sections on key decisions being made public (potential improvements 5, 6 and 7) require more clarification. It is unclear at which point in the process the decision will be advertised, and what extent of influence other authorities and the public will have.

South East Water suggests further explanations of the Statewide Biodiversity Targets in terms of objectives, and enforcement frameworks. Additionally, how will biodiversity data be collected and who will be responsible for managing the vast amounts of data provided?