

Flora and Fauna Guarantee Amendment Act 2019



EIANZ/ECAV Seminar, 5 December
2019

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- **Overview - FFG amendment Act 2019**
- **Key reforms of interest**
- **Implementation**
- **Further information**

FFG Amendment Act 2019 - overview

Section	Key reforms
Objectives	<ul style="list-style-type: none">• Emphasis on prevention and recovery• New principles - precautionary principle, climate change, traditional owners
Public authority duty	<ul style="list-style-type: none">• Requires public authorities to consider of biodiversity impacts• Requires consideration of Biodiversity Strategy, action statements and critical habitats
Listing	<ul style="list-style-type: none">• giving effect to the common assessment method• enables bulk incorporation of advisory lists (if eligible)
Critical Habitat	<ul style="list-style-type: none">• Expanded definition• Guidelines• Obligation to manage by agreement• SAC nomination
HCOs	<ul style="list-style-type: none">• Minister can make Habitat Conservation Order (HCO).• Operate up to 10 years• compensation clarified, greater transparency• Improved enforcement – higher penalties

FFG Amendment Act 2019 - overview

Section	Key reforms
Flora and fish controls	<ul style="list-style-type: none">• new strict liability offences (infringeable)• 'aggravated' offences (higher penalties)• separation of commercial and public purposes
Enforcement	<ul style="list-style-type: none">• increased penalties for all offences• expanded powers of authorised officers• enforceable undertakings
Act-wide changes	<ul style="list-style-type: none">• 'tidying up' e.g. remove conservation advisory committee, online publication• transparency and accountability

- Embeds **common assessment method** for species
- Using IUCN categories and criteria



- Public nomination process retained
- Assessment first at national scale, if not eligible or likely to be assessed:
 - Victorian level assessment
- No change to listing communities or threats
- Minister to review lists every 5 years

Implementation

Key reforms - public authority duty

- Section 4B - in performing functions that may impact biodiversity, a **Minister** and a public authority must give proper consideration to the objectives and instruments of the Act.
- public authority = body established for a public purpose by or under any Act, includes administrative office, Government Department, municipal council, public entity, State-owned enterprise.

Implementation

- Ministerial guidelines (4B(4))
- Power for Minister to request and publish information (4C)



Key reforms - protected flora controls

Existing offence separated into four offences (two offences - separated into strict liability and aggravated)

Offence	Take*, trade in, keep, move or process restricted use protected flora (s47 & 47A)	Take*, trade in, keep, move or process all other protected flora (threatened) (s47B & 47C)
Purpose	For sale or personal use	Any purpose
Exceptions	Authorised (e.g. license/permit)	Authorised (e.g. license/permit)
	Private land (except take for sale)	Private land (except take for sale)
	Lawfully propagated	Lawfully propagated
	Accidental†	Accidental†
		Acting in accordance with PAMA

Implementation

- prepare protected flora eligibility guidelines (consult SAC)
- review protected flora list
- assign flora to restricted use category
- determine other eligible species
- review Governor in Council orders

* Take means to kill, injure, disturb or collect

† Does not apply to strict liability offences (s47 and 47C)

- Training and engagement
- Updating Regulations
 - Listing criteria, decision making considerations
- GiC orders review
- Public authority duty guidelines
- Critical habitat improvement - guidelines, testing
- Protected flora – guidelines, review list
- Public authority management agreements (PAMAs)
- Ongoing improvements
 - Identifying communities
 - PAMAs
 - Compliance engagement

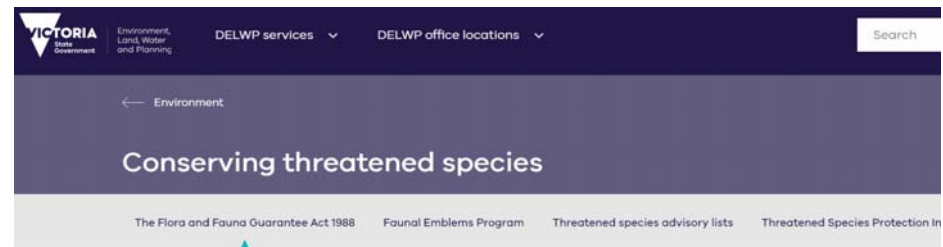
Concurrent work

- CAM transition, action statements

Where to find more info.

- environment.vic.gov.au
 - └ Conserving threatened species
 - └ *Flora and Fauna Guarantee Act 1988*
- parliament.vic.gov.au
- engage.vic.gov.au/review-flora-and-fauna-guarantee-act-1988

Bill	
Flora and Fauna Guarantee Amendment Bill 2019	
Sitting: 2019 and Dec 2018	
Introduction Print 591073bi1.DOCX (Microsoft Word - 137495 bytes)	Introduction Print Explanatory Memorandum 591073exi1.DOCX (Microsoft Word - 89478 bytes)
591073bi1.pdf (Acrobat Reader - 675065 bytes)	591073exi1.pdf (Acrobat Reader - 348707 bytes)
As Passed Print 591073bs1.docx (Microsoft Word - 149618 bytes)	
591073bs1.pdf (Acrobat Reader - 700820 bytes)	
First House Details: Legislative Assembly	
First Reading	
Introduced By:	Hon
First Reading Passed Date:	18/0



The Flora and Fauna Guarantee Act 1988

The Flora and Fauna Guarantee Act 1988 is the key piece of Victorian legislation for the conservation of threatened species and communities and for the management of potentially threatening processes.