



## **Flora and Fauna Guarantee Amendment Act 2019 - modernising Victoria's key biodiversity legislation**

*What will the changes bring for practitioners?*

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WSP Australia Pty Limited & ECAV

# Overview

- Consultants and related practitioners typically undertake (or review) ecological impact assessments, threatened species surveys and undertaken ecological restoration/management.
- How will the amendments affect ecological and environment consultants and practitioners?
- This talk summaries the current FFG Act in comparison to the proposed changes of the new FFG Act.



# Quick and dirty summary

Items typically considered	FFG Act 1988 vs 2019
Threatened species	Key changes to listings
Threatened communities	No changes to listings
Threatening processes	No changes to listings
Protected flora	Key changes
Public authority	Key changes
Permits	Some changes
Significant impact test	Not in both Acts
Critical habitat	Key changes
Public vs private land tenure	Minor changes
Translocation	Not in both Acts

# Threatened species

- Currently one category of 'threatened' – will change to eight categories in line with IUCN
- Possible that more species are added to threatened list or status changed, therefore more/different list of threatened species to consider with impact, development and management plans
- Possible to have listings to occur much quicker (eg. bulk processing)




# Threatened communities

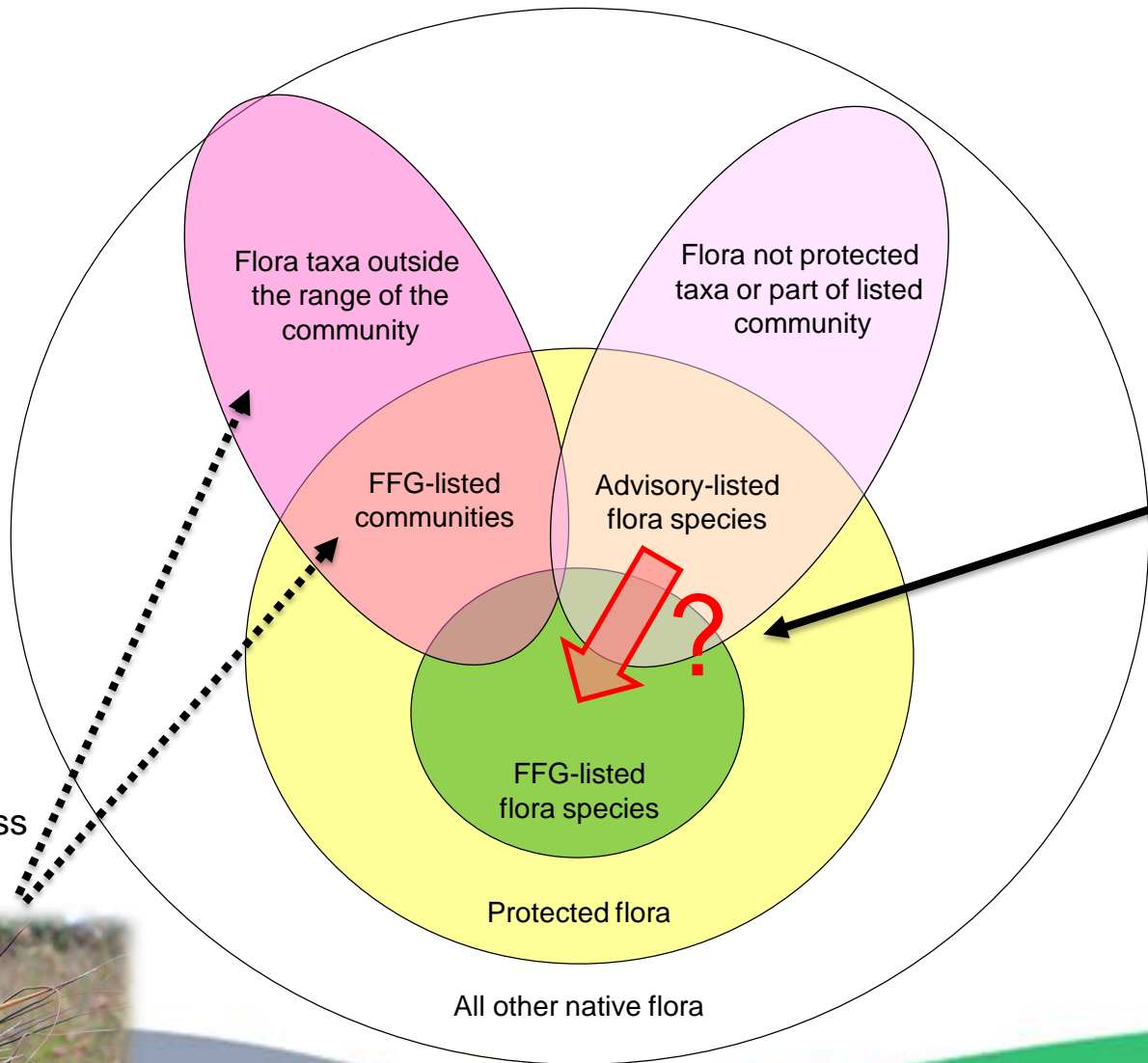
- No change to threatened community listings
- However, change in definition of Critical Habitat may mean more areas of habitat critical to the survival of threatened species or communities are determined.



# Protected flora

- New “restricted use” category, which will apply to flora that are not listed as threatened, but may be at risk if commercial or personal use is not sustainably managed.
  - Current list of protected flora will be reviewed to reduce overlap with native vegetation clearing controls.
  - Potentially less permit requirements for common, non-threatened Protected Flora for development applications?
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# Protected flora explainer – *green eggs and ham style*



New FFG Act and Conservation Status Assessment Project

Example – Kangaroo Grass

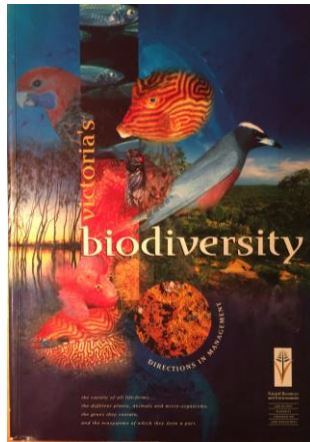
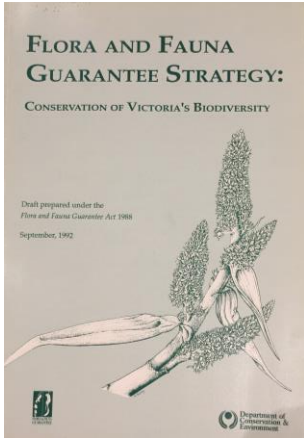


Recreated from presentation by Vanessa Craigie (DELWP 2015)

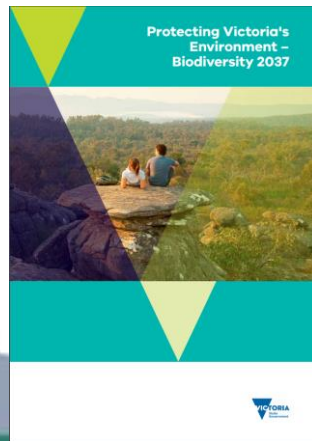
Kangaroo Grass is protected when part of a listed community (eg grassland and grassy woodland community) but not when not occurring in the community



# Public authority



You've Come a Long Way, Baby



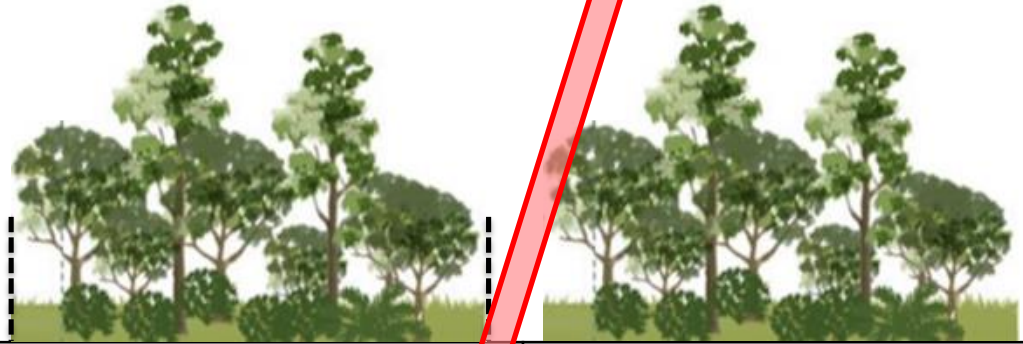
- New Act will require proper consideration of:
  - Biodiversity Strategy
  - Action statements
  - Critical habitat
  - Management plans
- And:
  - Long and short-term impacts
  - Direct and indirect impacts
  - Cumulative impacts
  - etc



# Public vs private

Minor changes from old to new FFG Act

*Is a permit required or does the FFG apply to the different tenure?*



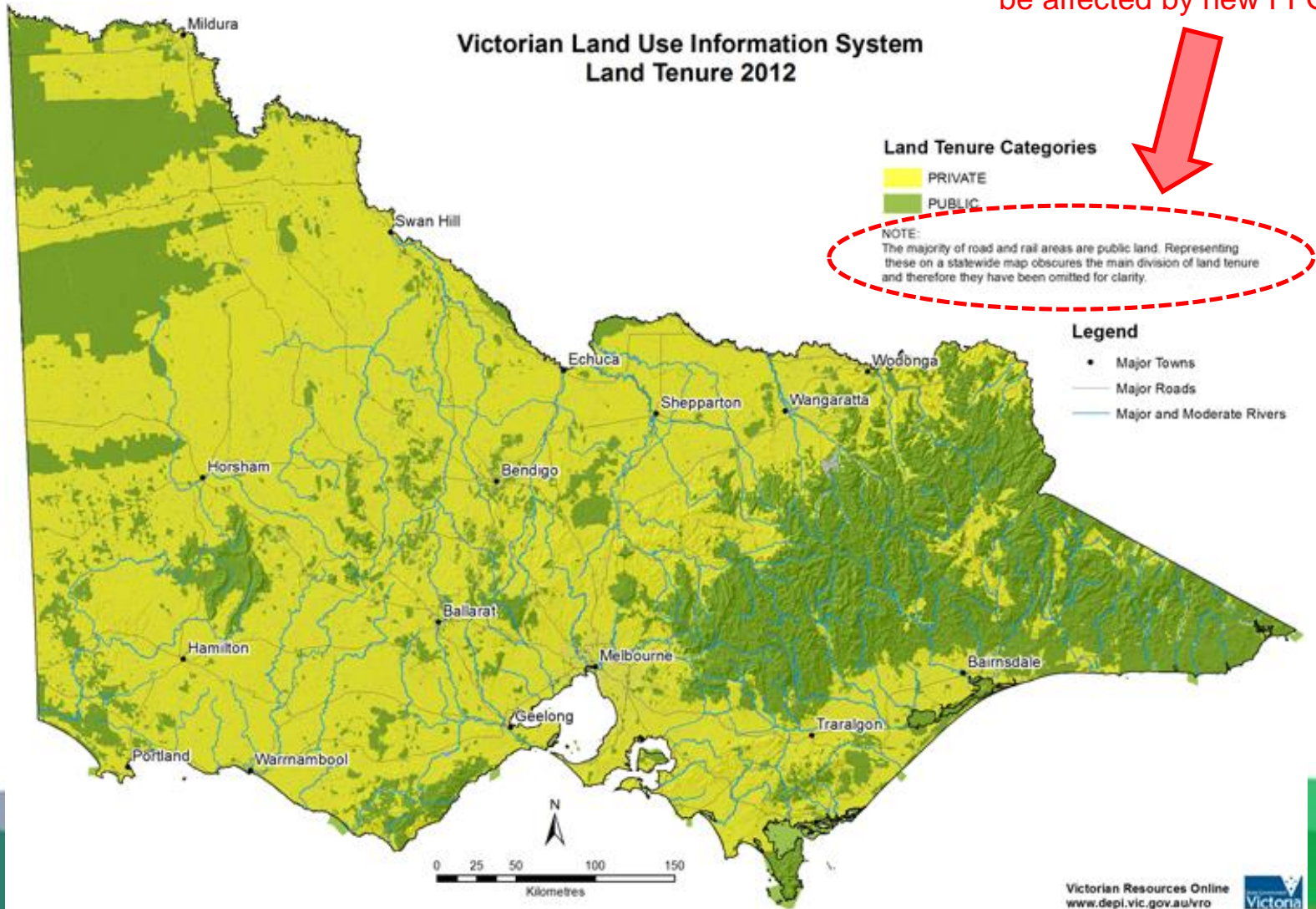
Items	Private	Public
Threatened flora and fauna species	x *	✓
Aquatic taxa	✓	✓
Threatened communities	x *	✓
Threatening processes	x	✓
Protected flora	x ^	✓
Critical habitat	✓	✓

\* Does not apply to species or communities determined as critical habitat

^ Legally taken from private land for non-commercial purposes, other than critical habitat

# Public vs private

Many road and rail projects may be affected by new FFG Act



# Permits

- New exemption from the need for a permit to take protected flora for public authorities acting in accordance with a public authority management agreement (PAMA) under the Act.
- maintains the Act's exemption for taking protected flora from private land, for non-commercial purposes
- Clarification that private land excludes land owned by or vested in a public authority



# Significant impact test

- FFG Act 1988
  - No 'threshold' to determine if an impact on listed species or community is significant (unlike EPBC Act), except:
  - Only applies to granting a permit to a landholder or water manager under an interim conservation order
- FFG Act 2019
  - No threshold of impact to determine if an impact is significant or if a permit is required.
  - Effectively, any level of impact will be prohibited without authorization under the FFG Act.



# Translocation

- Endorsed but not in FFG Act 1988 or 2019 amendment
- Procedures Statement for the Translocation of Threatened Native Flora in Victoria  
(unsure if active policy)
- Procedure Statement for the Translocation of Threatened Native Vertebrate Fauna in Victoria  
(active policy)





# Thanks!!



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