

26 March 2013



The Hon Ryan Smith MP
Member for Warrandyte
44 New Street
Ringwood VIC 3134

WE'VE SENT A
COPY OF THIS LETTER
TO ALL VICTORIAN MPS.

COPY

Dear Minister

I'm writing to you and your fellow members of Parliament requesting your urgent attention to the unsatisfactory situation of our Victorian biodiversity law, the *Flora and Fauna Guarantee Act 1988* (FFG Act).

It's been 25 years since the FFG Act was introduced to Parliament. It includes the farsighted and ambitious objective to "**guarantee that all taxa of Victoria's flora and fauna . . . can survive, flourish and retain their potential for evolutionary development in the wild**".

Unfortunately we are failing to meet the objectives of the legislation and, in fact, things seem to be getting worse. Since 1988, threatened species have declined, not improved and the commitment contained in the legislation seems to have been all but abandoned.

The Victorian community rightly expects that commitments contained in legislation will be taken seriously. The FFG Act contains many valuable tools that would greatly assist threatened species in Victoria, but they are not being utilised.

The situation is urgent:

- As at 2008, Victoria has the highest number of threatened species by sub-region in Australia.
- Almost a third of our native animals and close to half our native plants are extinct or threatened with extinction.
- At least 75 plants and animals have become extinct in Victoria.
- The Leadbeater's Possum (endemic to Victoria and one of Victoria's two faunal emblems) is at serious risk of becoming extinct if numbers continue to plummet. In the early 1980s the population was estimated to be around 7500. Since the possum was listed as a threatened species under the FFG Act there has been a dramatic decline in the population, with fewer than 500 adults estimated to be remaining today.

In 2009 the Auditor-General conducted a performance audit of the implementation of the FFG Act. The audit was damning. According to the Auditor-General, "*The lack of baseline data and outcome or output performance measures means it is not possible to conclude whether the Act has achieved its primary objectives. The available data, which is patchy, indicates that it has not.*"

No action has been taken to improve the situation since the Auditor-General's report was released, and if anything the situation is getting worse:

- The Act requires the government to make a Biodiversity Strategy which provides a road map of how the conservation of flora and fauna in Victoria will be achieved. The last Biodiversity Strategy was made in 1997. There is no indication that the government is intending to make a new one.
- Action statements are required to be made for every threatened species to develop a plan for their recovery, yet over half the listed species don't have one. The Auditor-General estimated that at the rate action statements were being made, it would take 22 years for action statements to be developed for all currently listed species. The situation has worsened further since then – no new action statements have been made in the last year.
- The Act contains conservation tools such as critical habitat determinations and interim conservation orders that can provide the last line of defence for threatened species and ensure their habitat is protected while other management options are being pursued. Yet only one critical habitat determination and no interim conservation order has been made in 25 years.

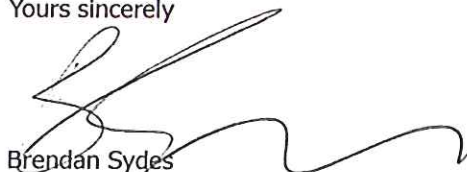
On the 25th anniversary of *Flora and Fauna Guarantee Act* we are calling on all Parliamentarians to commit to protecting Victoria's biodiversity. We ask all Members of Parliament look at the FFG Act with fresh eyes and commit to ensuring that the FFG Act is implemented so that the responsibilities set out in the legislation are met.

Some things you could do are:

- Raise these issues within your own party and do what you can to ensure strong and effective policies are developed to deliver the guarantee.
- Become better informed. We'd be happy to meet with you and brief you further or you can read our review of the implementation of the FFG Act, and the steps that are needed to ensure that it achieves its objectives – *Where's the Guarantee? Implementation and enforcement of the Flora and Fauna Guarantee Act 1988* (www.edovic.org.au/law-reform/major-reports/wheres-the-guarantee or we can post you a copy).
- Ensure that you're familiar with the significance of these issues in your electorate. There are many groups in local areas working on threatened species protection who would be happy to inform you about the work they are doing.

Thank you for taking the time to read this letter. If you agree that this is an important issue then I or other EDO lawyers would be happy to meet with you and to brief you further on the issue.

Yours sincerely



Brendan Sydes
Lawyer and Executive Officer