

# Five-point plan for the Flora and Fauna Guarantee Act

## Background

---

The Flora and Fauna Guarantee Act (FFG Act) has not been a successful framework for protecting and restoring Victoria's biodiversity. It is well overdue for an overhaul. The Victorian government needs to do better at protecting threatened species and at the same time, do more to reverse trajectories of decline. The FFG Act is currently being reviewed by the Victorian Government. Environmental Justice Australia has prepared a detailed proposal for how the FFG Act should be reformed to make it an effective and efficient nature protection law for Victoria. We set out below the key elements of our proposal for the FFG Act. If each of the below components was adopted by the Victorian Government as we suggest, then the FFG Act would be a much more effective and efficient system for protecting and restoring Victoria's biodiversity.

## EJA's five-point plan for the FFG Act

---

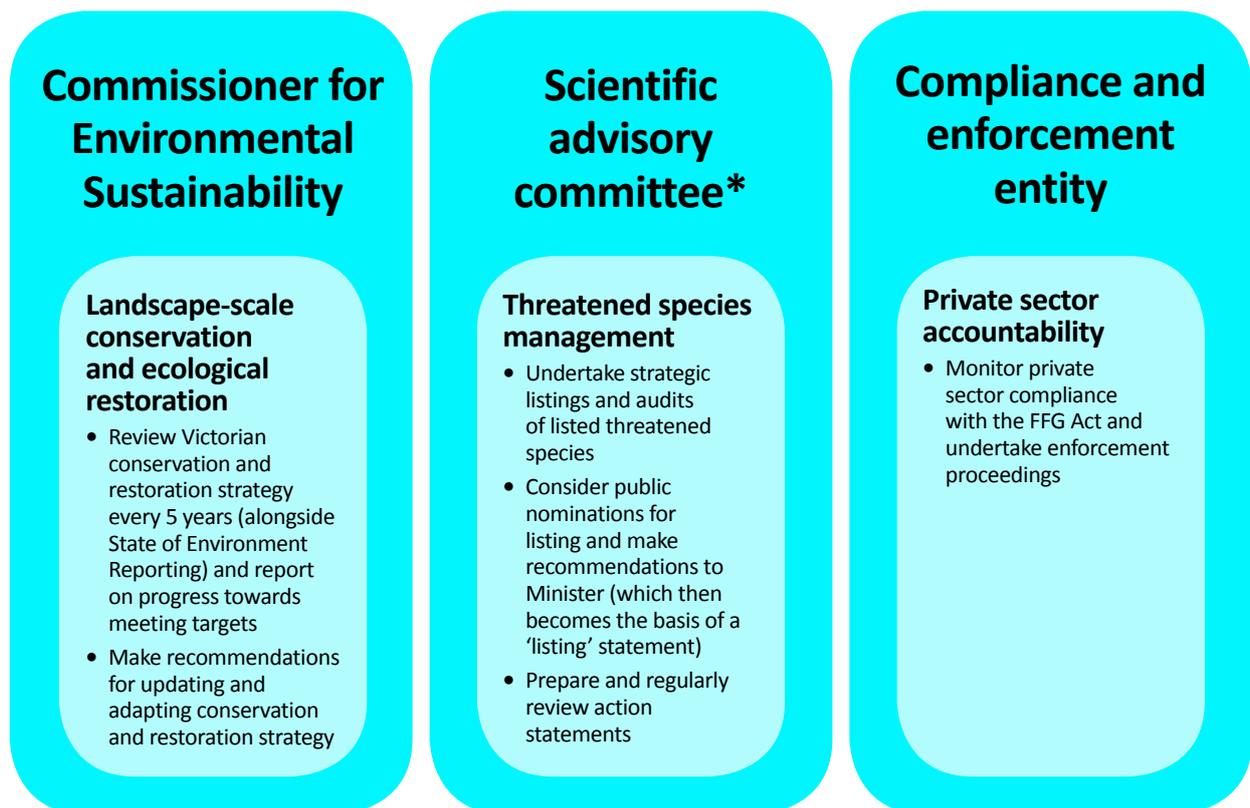
- 1. Public authorities must be obligated to act consistently with the provisions of the FFG Act.** This goes further than the existing provisions to 'have regard to' the objectives of the FFG Act
- 2. Landscape scale conservation and *ecological restoration* to become a central focus of the FFG Act.** This includes:
  - a more **robust legislative framework to govern the biodiversity strategy** including that it needs to be updated every five years and that it should be working towards **20-year biodiversity targets**;
  - a new **incentives framework for landscape scale restoration activities** also needs to be created which centres around the preparation of 'Landscape Action Plans' for regionally nominated landscapes.
- 3. The threatened species provisions retained and overhauled** so as to significantly improve their capability to protect threatened species and reverse trajectories of decline and risk. This includes:
  - the processes around **listing and preparing action statements needs to be streamlined and made easier and more efficient to administer** whilst still maintaining a high standard;
  - the Ministerial Orders granting **exemptions to application of the FFG Act (in relation to forestry for example) need to amended; and**
  - the **tools available to the government to protect species** – like the designation of critical habitat – **need to be updated and become mandatory.**

4. **Environmental justice provisions need to be incorporated** into the FFG Act. This includes:
  - creating a **new entity to monitor compliance and enforce the provisions** of the FFG Act;
  - an **effective enforcement regime** that includes a scale of penalties for non-compliance including **sufficiently dissuasive fines and community service orders**, as well as options for **criminal prosecutions for serious offences**;
  - the incorporation of **access to justice mechanisms** which enable communities to challenge decisions through the courts and for this not to be financially prohibitive; and
  - environmental information made accessible.
5. The **foundations of the FFG Act** (its purpose, objectives and environmental principles) updated.

## Institutional overview

---

Our proposal sets out a number of recommendations relating to institutional reform needed to make the FFG Act a more effective and efficient biodiversity law for Victoria. Below is a diagrammatic illustration of the proposed institutional reform. Each of the recommended new/amended authorities will need to be suitably well resourced and should be independent of the Department of Environment, Land, Water and Planning (**Department**) and the Minister for the Environment (**Minister**).



\* We have also suggested that the Victorian Environmental Assessment Council is an alternative body that could undertake components of this work.

Please refer to [our full report, Fixing Victoria's broken nature laws](#) for further information.