Flora and Fauna Guarantee Amendment Act 2019



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Introduction

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

FFG Amendment Act 2019 - overview

Section	Key reforms
Objectives	 Emphasis on prevention and recovery New principles - precautionary principle, climate change, traditional owners
Public authority duty	 Requires public authorities to consider of biodiversity impacts Requires consideration of Biodiversity Strategy, action statements and critical habitats
Listing	 giving effect to the common assessment method enables bulk incorporation of advisory lists (if eligible)
Critical Habitat	 Expanded definition Guidelines Obligation to manage by agreement SAC nomination
HCOs	 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	 new strict liability offences (infringeable) 'aggravated' offences (higher penalties) separation of commercial and public purposes
Enforcement	 increased penalties for all offences expanded powers of authorised officers enforceable undertakings
Act-wide changes	 'tidying up' e.g. remove conservation advisory committee, online publication transparency and accountability

Key reforms - listing



- 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)

Key reforms - Protected flora controls

Protected Flora List

All members of the Pteridophyta are protected:

All clubmosses, ferns and fern allies, excluding Pteridium esculentum - Austral Bracken

Members of the following plant families are protected:

Asteraceae - Daisies - all species. Epacridaceae - Heaths - all species Orchidaceae - Orchids - all species

Members of the following genera are protected:

Acacia - Wattles - excluding Acacia dealbata, Acacia decurrens, Acacia implexa, Acacia melanoxylon, Acacia paradoxa

Baeckea - Baeckeas - all species

Boronia - Boronias - all species

Calytrix - Fringe-myrtles - all species

Continued...

Corner - Corneas - all species Cornerio - Correntes - all species Consequênt - Cornection - all species Educationes - Visus Resuss - all species Completicitum - Visus Resuss - all species Completicitum - Visus - all species Completicitum - Visus - all species Completicitum - visus - all species Special - Visus - all species Special - Visus - Visus - all species Special - Visus - all species Special - Visus - all species Special - Visus - all species Parasitation - Programmen - all species Parasitation - Programmen - all species Special - all species Sp

In the following list recently added items are in NU

The following plant taxa are pr

Abutilion fraseri (includes subspecies diplotrichum and fraseri)	Dwarf Lantenn-bu
Abution oxycarpumvar, makvaefolium	Hallow-leaf Lantern-flow
Abution onycarpumvar, subsaptistum	Flarvel We
Acacia binensa	Coest My
Acada carrulescena	Limestone Blue Wat
Acacia daviesi	Timbertop Wat
Acacia deanei subsp. deanei	Deane's War
Acacia enterocarpa	Jumping-jack Wat
Acacia giandulicarpa	Heiry pod Wei
Acacia havrlandicrum (Inted as Acacia havrlandi)	Neede Wa
Acacia Index	Nec Nec
Acacia maidenii	Mader's Wat
Acacia metrillor	Yer Ver
Acacia omalipriyda	Yarran Wat
Acacia cowaldii	Umbrella Wat
Arania penetida	Winesing Mr.
Arania phaomoides	Phareton Wat
Acacia phinosphyla	Buffels Sellow net
Acacia restriformis	
Activitius collinus	Hooded Mosquito-orchid (listed as Inland Pixle Ca
Agricultural desired and a second a second and a second a	Snow Add
Activotus Broothii	Ridge Flannel-flow
Accorachia obbrigatolia	Yeliconom
Adamber capitur-veneris	Venus-hair Fern (listed as Dainty Maidenha
Adams daybour	Filmy Maidenh
Alertryon subcinerator	Native Out
Alborouming Ambramal	Dritter Communication Communic
Almainee capitate	Slender Famot-c
Amphibromus pithopastrus	
Anoectangium belli	Kini Cive-m
Arieta anchomervar, subspirulfina	Jensho Wre-gr
Ariente reterrat	Rough-send Wire-or
Aristists purronnata	Purple Wire-or
Agranula ambinia	CHF Wood
Application Applicationum	Maidenhair Spinens
Astrile australiane	
Asterolacia asterocophora subsp., abiflora	White Standard (Island as Standard speci
Admotisia phytodoloidar.	Downy Star-b
Abpliry and bractive subsp., and bractive	
Atropiny angulate	Angular Saltts
Ampiny bilandinosi	Gildening Seith
Ampiny Aniscama	Pro Saltts
Atropiny limbata	Spreading Salth











Implementation program

- 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
 - L Conserving threatened species
 - L Flora and Fauna Guarantee Act 1988
- parliament.vic.gov.au
- engage.vic.gov.au/review-flora-and-fauna-guaranteeact-1988



