Flora and Fauna Guarantee Amendment Act 2019

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• Overview - FFG amendment Act 2019
• Key reforms of interest
• Implementation
• Further information
<table>
<thead>
<tr>
<th>Section</th>
<th>Key reforms</th>
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| 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                                               |
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| 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)

<table>
<thead>
<tr>
<th>Offence</th>
<th>Take*, trade in, keep, move or process <strong>restricted use</strong> protected flora (s47 &amp; 47A)</th>
<th>Take*, trade in, keep, move or process all other protected flora (<strong>threatened</strong>) (s47B &amp; 47C)</th>
</tr>
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<tbody>
<tr>
<td>Purpose</td>
<td>For sale or personal use</td>
<td>Any purpose</td>
</tr>
<tr>
<td>Exceptions</td>
<td>Authorised (e.g. license/permit)</td>
<td>Authorised (e.g. license/permit)</td>
</tr>
<tr>
<td></td>
<td>Private land (except take for sale)</td>
<td>Private land (except take for sale)</td>
</tr>
<tr>
<td></td>
<td>Lawfully propagated</td>
<td>Lawfully propagated</td>
</tr>
<tr>
<td></td>
<td>Accidental†</td>
<td>Accidental†</td>
</tr>
<tr>
<td></td>
<td><strong>Acting in accordance with PAMA</strong></td>
<td></td>
</tr>
</tbody>
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### 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 impexa, Acacia melanoxylon, Acacia paradoxa*
*Baeckeia* - Baeckeas - all species
*Boronia* - Boronias - all species
*Calytrix* - Fringe-myrtles - all species
Continued...
• 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.