

1 Audit summary

1.1 Introduction

Conserving biodiversity is core to responsible environment and natural resource management and is fundamental to maintaining both quality of life and economic well-being, both now and in the future.

The *Flora and Fauna Guarantee Act 1988* (the Act) is the primary Victorian legislation providing for conservation of threatened species and ecological communities, and the management of processes that threaten the sustainability Victoria's native flora and fauna. The Act establishes a listing process. Once an item is listed the Act sets out a range of management processes and conservation tools that can be implemented to protect and conserve species.

Since the Act was passed in 1988, 653 plant and animal species, communities and threatening processes have been listed.

The objective of the audit was to review the Department of Sustainability and Environment's (the department) administration of the *Flora and Fauna Guarantee Act 1988* and to assess how effective the processes and actions developed under the Act have been in preserving Victoria's native flora and fauna.

1.2 Conclusions

The full range of 'management processes' and 'conservation and control measures' available in the Act has not been used.

Action statements are the primary tools in the Act being used to protect and conserve threatened flora and fauna. However, the effort directed to listing threatened species and processes has not been matched by effort to develop action statements, to monitor the implementation of actions, or assess their effectiveness. The gap between listed items and items with action statements continues to widen.

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.

1.3 Findings

1.3.1 The listing process

The department has invested most effort in listing threatened species. However, there is duplication of processes within the department and with the Commonwealth Government's listing process. The time taken to list an item, while within the three year (156 weeks) timeframe specified under the Act, continues to exceed the department's internal benchmark of 31 weeks. The internal benchmark is an optimum period that requires each stage to be completed as quickly and reasonably as possible. This benchmark could not always be met in part due to factors beyond the department's control, such as the Scientific Advisory Committee requiring multiple meetings to consider a nomination.

Over 800 items have been nominated for listing and 653 have been listed under the Act. However the department's 'advisory' list (a separate list not subject to the listing process), contains over 2 200 species of flora and vertebrate fauna. Many of the species on the advisory list are likely to satisfy the criteria for the 'threatened' list maintained under the Act.

The listing process while conforming with the Act is compromised by a lack of up-to-date scientific data and by limited stakeholder participation. The department's information systems relating to conservation and biodiversity are incomplete and disjointed. Major system development and integration projects are underway to address current shortcomings.

1.3.2 Conservation tools

The various management processes, conservation and control measures available under the Act to conserve and protect flora and fauna are not being used, largely because of their perceived complexity and difficulty of administering these provisions. The department has relied on provisions in other environmental legislation, strategies, policies and plans in preference to those available under the Act to conserve and protect flora and fauna.

While 'action statements' are mandatory, their development and finalisation has been protracted. There is no time limit in the Act for these tools to be finalised—'as soon as possible' is the time standard set. At the current rate of progress, with existing resources, it will take a further 22 years for the department to complete action statements for the 653 items currently listed as threatened.

1.3.3 The Act

The Act was reviewed by the department in 2002. This review concluded that 'the existing regulatory and policy framework for the protection of threatened species in Victoria is in need of a major overhaul.' A number of recommendations to improve the Act resulted from this review, but no amendments to the Act have been made.

The state government's April 2008 green paper, *Land and Biodiversity at a Time of Climate Change*, acknowledges the need for legislative reform (State and Federal) and the proposed white paper will identify the extent to which legislative change is required.

1.4 Recommendations

The department should:

- review the internal timeframes it sets for listing, against the resources it applies and the processes it adopts, to confirm they are realistic
- continue to build its knowledge-base on threatened species, causes of their decline and how best to mitigate threats to them; and expedite the transfer of information held on manual files to the ABC system
- formalise its collaboration on conservation activity with the Federal Government and seek a joint agreement to eliminate duplication in the listing process (**Recommendation 4.1**).

The department should:

- assess the resources it applies to developing, monitoring and reviewing action statements and establish a prioritised action plan to address the backlog of listed items with no action statements
 - include in new and revised action statements the processes by which it will monitor progress and evaluate the effectiveness of each initiative within the action statement
 - review the efficacy of conservation and protection tools available under the Act
 - assess whether the listing process is the most effective and efficient means of protecting species and communities
 - develop a suite of output efficiency and outcome effectiveness measures to monitor and assess its conservation efforts (**Recommendation 5.1**).
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