



30 September 2020

Committee Secretariat
Legislative Council, Environment and Planning Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

By email only: [REDACTED]

Dear Committee Secretary

Inquiry into Ecosystem Decline in Victoria

The Law Institute of Victoria's Environmental Issues Committee (**'the Committee'**) thanks you for the opportunity to provide feedback on the Environment and Planning Committee's 'Inquiry into Ecosystem Decline in Victoria.'

The LIV believes that the protection and conservation of Victoria's ecosystem is an issue of great importance to current and future generations of Victorians. The LIV makes the following submissions to the Inquiry:

(a) the extent of the decline of Victoria's biodiversity and the likely impact on people, particularly First Peoples, and ecosystems, if more is not done to address this, including consideration of climate change impacts

1. The LIV notes that:

- a. the Biodiversity 2037 Report published by The State of Victoria Department of Environment, Land, Water and Planning provides concerning information regarding Victoria's ecosystem. The Report stated that 'future generations in Victoria will not see 18 species of mammal, two birds, one snake, three freshwater fish, six invertebrates and 51 plants that have become extinct since European settlement.'¹ The LIV submits that this problem will only have grown worse three years on from the Report's publication.

- b. The abovementioned Biodiversity 2037 report acknowledged that despite the collective efforts of many Victorians who are actively engaged in looking after the environment, Victoria's biodiversity is still declining. The report stated that this was 'in part due to the legacy of previous land clearing and the introduction and spread of weeds and pests'.² The effects of climate change are likely to exacerbate these issues. Weeds and invasive pests impact biodiversity by out-competing native

¹ State of Victoria Department of Environment, Land Water and Planning (2017), *Biodiversity 2037 Report*, p. 10.

² State of Victoria Department of Environment, Land Water and Planning (2017), *Biodiversity 2037 Report*, p. 39.



- plant and animal species and degrading habitat. The LIV submits that the Victorian Government should increase its efforts in mitigating and managing the effects of weeds and pests on biodiversity.
- c. The State of the Environment 2018 report published by the Commissioner for Environmental Sustainability, Victoria, paints a grim picture of ecosystem decline. 21 of the 35 biodiversity indicators were assessed as 'poor' by the report.³ The report further states that 51% of the indicators that have been assessed as 'deteriorating' are biodiversity indicators.⁴

 - d. Moreover, the extreme bushfires of late 2019 and early 2020 had a devastating impact on Victoria's ecosystem. The State of Victoria Department of Environment, Land, Water and Planning report on the bushfires shows that as of 11 January 2020 the fires had largely burnt in high biodiversity-value areas. The LIV notes that this ecological damage comes in addition to the previous reporting of biodiversity decline in Victoria.⁵

The LIV recommends that the Victorian Government considers incorporating some strong action on climate change protection into any post COVID-19 rebuild plans, including programs to facilitate biodiversity preservation. As well as the introduction of significant emission targets under the *Climate Change Act 2017*. Further consideration should occur on expanding the scope of decisions which must have regard to Climate Change in accordance with the *Climate Change Act 2017*, for example land use planning decisions.

(b) legislative, policy, program, governance and funding solutions to facilitate ecosystem and species protection, restoration and recovery in Victoria, in the context of climate change impacts

1. The LIV notes that the Intergovernmental Panel on Climate Change ('IPCC') recently found that reductions in greenhouse gas emissions are required to reduce the impacts on biodiversity.⁶ The LIV notes that any government program to stop further ecosystem decline in Victoria should therefore aim for a reduction in greenhouse gas emissions.
2. The LIV commends the Victorian Government for taking steps to reduce greenhouse gas emissions such as the Renewable Energy Target. However, the LIV repeats its call in its 2019 submission to the Victorian Legislative Council's Inquiry into Tackling Climate Change in Victorian Communities (2019 submission), attached, for Government to adopt policies and targets that will achieve net-zero emissions in Victoria by 2050. This will reduce the harmful effect that greenhouse gas emissions have on Victoria's ecosystems and aid in their conservation.
3. The LIV repeats the suggestion from its 2019 submission that Government introduce legislation to facilitate the implementation of *Protecting Victoria's Environment - Biodiversity 2037* policy. Doing so will ensure that the serious threats to ecosystems identified in the policy will be acted on swiftly before further damage can be done.

³ Commissioner for Environmental Sustainability (2018), *State of the Environment 2018*, p. 25.

⁴ Ibid.

⁵ State of Victoria Department of Environment, Land, Water and Planning (2020), 'Victoria's bushfire emergency: biodiversity response and recovery: Version 2', p. 13.

⁶ Intergovernmental Panel on Climate Change, *The Ocean and Cryosphere in a Changing Climate: Summary for Policymakers* (2019) 24, accessed at < https://report.ipcc.ch/srocc/pdf/SROCC_SPM_Approved.pdf



4. The LIV regards waste management policy as critical to protecting Victoria's environment from pollution and associated adverse effects on ecosystem and biodiversity decline. As noted in the LIV's 2019 submission, Government can and should increase its level of direct responsibility to manage the sustainable processing of waste across the State. Such measures include an increase in community education, sufficient funding of waste management facilities, the introduction of a 'polluter pays' principle and the implementation of a container deposit scheme.

Improvements to biodiversity protections should be made in a widespread way to improve protections for the numerous Victorian species and ecological communities listed as threatened under the *Environmental Protection and Biodiversity Conservation Act 1999* ('EPBC Act').⁷ Government should provide greater consistency with the EPBC Act with clearer protection of these species through the planning system, providing clearer referral triggers and removing ambiguity as to when biodiversity impacts should properly be assessed.

(c) opportunities to restore Victoria's environment while upholding First Peoples' connection to country, and increasing and diversifying employment opportunities in Victoria

1. The LIV notes that
 - a. The COVID-19 pandemic will likely contribute to a significant rise in Victoria's unemployment rate.⁸ The LIV regards this as an opportunity for the Victorian Government to combine employment and environmental objectives. The LIV recommends the Government take advantage of this situation to improve environmental outcomes and ecosystem protection by linking economic recovery programs with environmental objectives.
 - b. The Government's 'Working for Victoria' initiative has created significant employment opportunities, particularly in regional areas. The LIV supports continuation of this scheme and the expansion of other possible environmental protection roles to be made available. The LIV submits that the continuation of the scheme should have an explicit focus on environmental objectives and ecosystem protection.
2. The LIV recommends that Government seek the input of First Nations peoples into this program as they have a unique connection into Victoria's diverse ecosystem and connection with the land and environment. The LIV submits consultation be held with First Nations elders and community leaders about both existing Government programs and suggestions for alternative programs.

If you would like to discuss any of the matters raised in this letter, please contact Nicholas D'Arcy, [REDACTED] at [REDACTED]

⁷ Department of Sustainability, Environment, Water, Population and Communities (2012). *Approved Conservation Advice for Giant Kelp Marine Forests of South East Australia*. Canberra, ACT: Department of Sustainability, Environment, Water, Population and Communities, p. 3; Department of the Environment, Water, Heritage and the Arts (2008). *Approved Conservation Advice for Alpine Sphagnum Bogs and Associated Fens ecological community*. Canberra: Department of the Environment, Water, Heritage and the Arts, p. 2.

⁸ Department of Treasury and Finance (2020), 'Coronavirus Economic Outlook Fact Sheet', p. 1 accessed at <https://www.dtf.vic.gov.au/economic-and-financial-updates/coronavirus-economic-outlook>



Yours sincerely,

Sam Pandya

President

Law Institute of Victoria