

**Senate Environment and Communications
References Committee**
Answers to questions on notice
Environment and Energy portfolio

Inquiry name: Inquiry into Australia's faunal extinction crisis

Hearing date:

Question No: 1

Hansard Page: na

Question Date: 29 October 2019

Question Type: Written

Senator Gallagher asked:

Question Text:

I refer to the Minister for Energy and Emissions Reduction's statement made to the parliament on 29 July 2019 in which he reported speaking to a farmer near Yass on 21 February 2017 "who expressed strong and detailed concerns about the revised listing" for the Natural Temperate Grasslands of the South Eastern Highlands, including grasslands on the Monaro Plain (NTG-SEH):

- a. Has the Department had any contact in relation to the listing with the farmer near Yass?
 - i. if yes, please provide details about the nature of that contact, including dates and time, and with whom the contact involved?
- b. Did the Department receive any representation by private farmers "who expressed strong and detailed concerns about the revised listing" other than Angus Taylor or Richard Taylor?

Answers

a. No

b. In 2018, the Department received detailed questions from a Director of Monaro Farming Systems about the revised listing. Also in 2018, the Department commenced new engagement work with South East Local Land Services and various farmers in the Monaro region regarding the listing and the EPBC Act more broadly

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Question No: 2

Hansard Page: na

Question Date: 29 October 2019

Question Type: Written

Senator Gallagher asked:

Question Text:

According to the answer to Question #14 put on notice to the department on 23 September 2019 (answer received 4 October 2019), the contract with Aither was amended shortly after its commencement in April 2018 to increase the contract price by \$77,000 and extend the end of the contract period by several weeks, "to allow for additional consultation and engagement". Which additional parties were consulted? What additional engagement took place?

Answers

The original contract included an estimate for engagement in up to three capital cities and up to four regional centres. As the work was undertaken, it was recognised that additional consultation was required. The final program included visiting 12 locations:

- Brisbane, Townsville (Queensland);
- Sydney, Walgett, Cooma, Ilford (New South Wales);
- Canberra (Australian Capital Territory);
- Hobart, Launceston (Tasmania);
- Perth, Broome (Western Australia) and
- Melbourne (Victoria).

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Question No: 3

Hansard Page: na

Question Date: 29 October 2019

Question Type: Written

Senator Gallagher asked:

Question Text:

In relation to the process of contracting Dr Craik for the review:

- a. Were any actual or perceived conflicts of interest disclosed?
- b. What process does the Department have in place for potential or actual conflicts of interest by contractors?
- c. Was this process followed?

Answers

- a. No.
- b. The Deed of Standing Offer in relation to the Environmental Research and Analysis Panel includes a requirement for the service provider to warrant that no conflict of interest exists or is likely to arise in the performance of its obligations under the Deed. In the event that a conflict of interest arises, the service provider must:
 - a) Notify the Department immediately in writing;
 - b) Make full disclosure of all relevant information relating to the conflict; and
 - c) Take such steps as the Department requires to resolve or otherwise deal with the conflict.

The Department's employees are also bound by the Code of Conduct contained in the *Public Service Act 1999*.

- c. Yes.

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Question No: 4

Hansard Page: na

Question Date: 29 October 2019

Question Type: Written

Senator Gallagher asked:

Question Text:

Evidence provided by the Department at the public hearing on 23 August 2019 confirm that nine Department of the Environment staff attended a site visit to a Monaro property, including the Deputy Secretary Dean Knudson, the First Assistant Secretary James Tregurtha and Monica Collins, Assistant Secretary Office of Compliance (p.50). Has there been any other field trip relating to threatened species that this delegation attended, or that other departmental delegations consisting of these or other officers have attended? If yes, please provide details of when (date and time) these field trips occurred and the nature of these field trips.

Answers

This field trip was arranged as part of the Department's strategic initiatives and engagement program. This is a new program introduced into the Department in July 2017 to inform landholders of their obligations under the EPBC Act and improve the Department's understanding of the practical implementation of national environmental law in agricultural landscapes. Other field trips under this program are provided in the table below. Senior executive officers attended the Monaro field day due to the proximity to Canberra.

Date	Event and Local Land Service Region
28-30 August 2017	Site visits with Local Land Services staff - North West Local Land Services region.
9-13 October 2017	Local Land Services EPBC in-field workshop. North West, Northern Tablelands, North Coast, Hunter Local Land Services regions.
9 March 2018	Monaro Field Day –South East Local Land Services Region.
30-31 July 2018	Site visits with Local Land Services staff and landholders – North West Local Land Services Region.
20 September 2018	Field testing draft Monaro grasslands guidance with Local Land Services staff and landholders. South East Local Land Services Region.
7-8 August 2019	Local Land Services EPBC in-field workshop. Central West Local Land Services Region.

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Question No: 5

Hansard Page: na

Question Date: 29 October 2019

Question Type: Written

Senator Gallagher asked:

Question Text:

What are the penalties for landholders, if found to have illegally poisoned land containing critically endangered grasslands?

Answers

Critically endangered ecological communities are matters of national environmental significance (MNES) protected under section 18(5) of the *Environment Protection and Biodiversity Conservation Act 1999*.

A person who takes an action that is likely to have a significant impact on a matter of MNES, without first obtaining approval, can be liable for a civil penalty of up to \$1,050,000 for an individual and \$10,500,000 for a body corporate, or for a criminal penalty of seven years imprisonment and/or a fine.

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Question No: 6

Hansard Page: na

Question Date: 29 October 2019

Question Type: Written

Senator Gallagher asked:

Question Text:

Have Department officials, including compliance officers, met with any other Minister in relation to the listing of critically endangered species since 2013?

Answers

The Department does not retain this statistic and it would be an unreasonable use of Department resources to undertake the research required to answer this question. However, Departmental officials regularly meet with a range of interested parties including Ministers, backbenchers and state and territory politicians to discuss aspects of the Department's work. These meetings may have included conversations about threatened species.

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Hearing date:

Question No: 7

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Question Date: 29 October 2019

Question Type: Written

Senator Gallagher asked:

Question Text:

I refer to Dr Wendy Craik's clarification of evidence provided at 23 August 2019 public hearing, dated 30 August, in which Dr Craik refers to a meeting with Ministers Frydenberg and Price on 7 May 2018, where locations for site visits were discussed.

- a. What sites were discussed at the meeting?
- b. What sites did Minister Frydenberg suggest at the meeting?
- c. What sites did Minister Price suggest at the meeting?
- d. Were any notes taken at the meeting?
- e. Who attended the meeting?

Answers

- a. - d. Relevant actions arising from the 7 May 2018 meeting with Minister Frydenberg and Assistant Minister Price were for Dr Craik to meet with then Shadow Minister for the Environment, the Hon. Tony Burke MP, and with the Environment Back-bench Committee. The Department has no further records on whether other meetings or sites were discussed.
- e. Present at the meeting were Dr Wendy Craik, Mr Will Fargher (Aither), the then Minister for the Environment and Energy the Hon. Josh Frydenberg MP, the then Assistant Minister for the Environment the Hon. Melissa Price MP, ministerial advisors and a departmental official.

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Question No: 8

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Question Date: 29 October 2019

Question Type: Written

Senator Gallagher asked:

Question Text:

The email dated 22 April 2017 5.46 pm from Stephen Oxley to [redacted] (FOI 190419 Document 8) refers to "mistaken" advice provided to Minister Taylor in relation to groundcover assessment methodologies being misaligned. Was this advice provided by the Department? If so:

- a. For what purpose was the advice provided?
- b. On what date was that provided? Was a retraction provided. If so, on what date was this provided.
- c. Was the advice provided following a request from Minister Taylor?
- d. Did the advice relate to the protected ecological community of the Monaro grasslands?

Answers

No.

- a) n/a
- b) n/a
- c) n/a
- d) n/a

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Question No: 9

Hansard Page: na

Question Date: 29 October 2019

Question Type: Written

Senator Gallagher asked:

Question Text:

With respect to the requests from Minister Frydenberg's office for a briefing in relation to the compliance action involving the property which is partly owned by Jam Land:

- a. How many requests did the Department receive from Minister Frydenberg?
- b. What was the date of each request?
- c. Did any requests make reference to the matter being raised in Parliament, and if so what was the nature of the reference?
- d. Did any of the requests make reference to Minister Taylor?

Answers

- a. Minister Frydenberg's office requested briefing in relation to the compliance action involving the property which is partly owned by Jam Land on four (4) occasions.
- b. The dates the requests were made are:
 - 15 February 2017
 - 28 February 2017
 - 28 July 2017
 - 31 July 2017
- c. Yes, the Ministers Office advised that the matter had come up in Parliament.
- d. No.

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Question No: 10

Hansard Page: na

Question Date: 29 October 2019

Question Type: Written

Senator Gallagher asked:

Question Text:

With respect to requests from Minister Frydenberg's office for a briefing in relation to any compliance action under the EPBC Act:

- a. How many requests did the Department receive during Minister Frydenberg's time in the Environment portfolio?
- b. How many of these requests related to critically endangered ecological communities?
- c. How many of these requests related to the Monaro grasslands?

Answers

- a) & b) The Department does not retain these statistics and it would be an unreasonable diversion of resources for the Department to undertake the research required to answer these questions.
- c) Minister Frydenberg's office requested briefing in relation to the compliance action involving the Monaro grasslands on four (4) occasions.

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Question No: 11

Hansard Page: na

Question Date: 29 October 2019

Question Type: Written

Senator Gallagher asked:

Question Text:

How many compliance actions has the Department commenced under the EPBC Act in relation to:

- a. critically endangered ecological communities?
- b. any grasslands of the NTG-SEH ecological community?

Answers

- a) Since the EPBC Act came into force on 20 July 1999 the Department has used several databases to record compliance cases. Those databases are not able to be interrogated to answer this question.
- b) One (1)