

**Senate Standing Committee on Environment and Communications
Legislation Committee**
Answers to questions on notice
Environment portfolio

Question No: 1
Hearing: Senate Environment and Communications Legislation Committee
Outcome: Public Hearing
Programme: Environment Legislation Amendment Bill 2013
Topic: Specialised Indigenous Ranger Programme
Hansard Page: 40
Question Date: 6 February 2014
Question Type: Spoken

Senator Williams asked:

CHAIR: Just a clarification that I said to witnesses before—the issue that I raised in relation to:

“The Government also committed to support a specialised Indigenous ranger program for marine conservation along the far north Queensland Coast...”

Could you expand on that, please? Or where is that up to in relation to the turtles and dugongs?

Dr Dripps: The government's Dugong and Turtle Protection Plan is at the earliest stage of implementation [...]

The department is also updating the recovery plan for marine turtles in Australia to address major threats, including habitat loss, poor water quality, bycatch in fisheries and marine debris and vessel activity, including boat strike. We could, if you like, provide the committee with a more detailed update of progress with regard to those matters but I do not have that before me at the minute.

Answer:

The Department of the Prime Minister and Cabinet is lead agency for the Specialised Indigenous Ranger Programme component of the Dugong and Turtle Protection Plan. The Specialised Indigenous Ranger is in the planning phase. Pending passage of the election commitment through the 2014-15 budget process, implementation will commence in the 2014-15 financial year.

Question No: 2
Hearing: Senate Environment and Communications Legislation Committee
Outcome: Public Hearing
Programme: Environment Legislation Amendment Bill 2013
Topic: Compliance Staffing Levels
Hansard Page: 42
Question Date: 6 February 2014
Question Type: Spoken

Senator Waters asked:

Senator WATERS: What are the staffing levels in your compliance section? How many bods would be responsible for enforcing these new penalties should the bill pass? What have been any recent changes to those levels?

Answer:

The Department of the Environment

There are currently 46 staff in the Compliance and Enforcement Branch undertaking monitoring, compliance and enforcement activities under the EPBC Act. More than 20 of these are Authorised Officers qualified to use certain powers under the EPBC Act.

Four (4) people took voluntary redundancies in the recent rounds.

In addition to the 46 officers in the Compliance and Enforcement Branch, the EPBC Act allows for other officers within the Department or GBRMPA, and other law enforcement agencies such as State and Territory police and environmental protection agencies, to be appointed as Authorised Officers in order carry out EPBC Act compliance and enforcement activities. The legislation automatically confers 'ex-officio' Authorised Officer status on officers of entities such as the Australian Federal Police or the Australian Customs and Border Protection Service.

The Great Barrier Reef Marine Park Authority

What are the staffing levels in your compliance section?

- The Great Barrier Reef Marine Park Authority has a Field Management Compliance Unit and Indigenous Compliance Team comprising of 22 staff positions. This includes two contract positions. Three of the 22 positions are vacant.
- As a result of the Commonwealth/Queensland state government Intergovernmental Agreement to jointly manage the Great Barrier Reef Marine Park, inspectors are also appointed from the Queensland Parks and Wildlife Service, Queensland Boating and Fisheries Patrol and Queensland Police Service.
- Currently there is a combined total of 84 Great Barrier Reef Marine Park Inspectors.

How many bods would be responsible for enforcing these new penalties should the bill pass?

The significant majority of the 84 appointed Great Barrier Reef Marine Park Inspectors are field compliance officers who primarily undertake daily surveillance and monitoring patrols.

There are currently nine (9) Commonwealth and Queensland State government staff that can be assigned to manage enforcement actions. The breakdown of these positions is as follows:

- three Commonwealth Senior Investigators
- four Commonwealth Field Operations Team members
- two Queensland Parks and Wildlife Senior Rangers Compliance.

What have been any recent changes to those levels?

- The number of Great Barrier Reef Marine Park Inspectors during recent years is as follows:
 - At 31 December 2013 there were 84 Inspectors.
 - At 31 December 2012 there were 104 Inspectors.
 - At 31 December 2011 there were 94 Inspectors.
 - At 31 December 2010 there were 97 Inspectors.
 - At 31 December 2009 there were 84 Inspectors.
- In the past 12 months the number of available Commonwealth and Queensland State government staff that can be assigned to manage enforcement actions has reduced from twelve (12) to nine (9).
- In December 2012 the Great Barrier Reef Marine Park Authority Indigenous Compliance Team comprised of two contract staff. This team now comprises three permanently employed members.

Question No: 3
Hearing: Senate Environment and Communications Legislation Committee
Outcome: Public Hearing
Programme: Environment Legislation Amendment Bill 2013
Topic: Scrutiny of Bills Response
Hansard Page: 42
Question Date: 6 February 2014
Question Type: Spoken

Senator Waters asked:

Senator WATERS: The Scrutiny of Bills Committee has raised some concerns with the retrospective nature of schedule 1. Can you advise whether the department or the minister has responded to those concerns and, if so, in what manner?

Dr Dripps: The minister has not yet responded but does intend to do so in the very near future. In summary, in relation to the first matter raised, the minister has been briefed to note the concerns and—sorry; I am just reviewing a note here. I need to open your letter and my notes at the same time. Could you just bear with me, or you could await the minister's reply, which I would anticipate would be received within the next 24 hours or so.

Senator WATERS: I am very pleased about that time frame, given the short time frame that this committee is operating under. If you are not able to put your hand on it—

Dr Dripps: I think it would be best if we could await minister's reply, if you do not mind.

Senator WATERS: We look forward to the delivery of that advice.

Answer:

The Minister's response to the Senate Standing Committee for the Scrutiny of Bills on the Environment Legislation Amendment Bill 2013 was provided to that Committee's secretariat on 10 February 2014.

Question No: 4
Hearing: Senate Environment and Communications Legislation Committee
Outcome: Public Hearing
Programme: Environment Legislation Amendment Bill 2013
Topic: Indigenous Consultation
Hansard Page: 44
Question Date: 6 February 2014
Question Type: Spoken

Senator Pratt asked:

Senator PRATT: Okay. With respect to the plans for turtles and dugongs, you have said very clearly that there will be future engagement with Indigenous communities about management plans and further support for those communities in developing their responsibilities. Are you able to outline further any of that information for us?

Dr Dripps: We can take that on notice along with Senator Waters' question about providing some more detail about the stage of implementation.

Senator PRATT: Okay.

Answer:

The Department of the Prime Minister and Cabinet is lead agency for the Specialised Indigenous Ranger programme. In early February 2014, Ministers Scullion and Hunt wrote jointly to Commonwealth-funded Indigenous ranger groups in north Queensland seeking their input in the implementation of the Protection Plan.

The Dugong and Turtle Protection Plan will build on the existing efforts of Indigenous communities and rangers to care for their country and manage the sustainable use of these species.

Question No: 5
Hearing: Senate Environment and Communications Legislation Committee
Outcome: Public Hearing
Programme: Environment Legislation Amendment Bill 2013
Topic: Drafting of Item 2 of Environment Legislation Amendment Bill 2013
Hansard Page: 45
Question Date: 6 February 2014
Question Type: Spoken

Senator Williams asked:

CHAIR: Dr Dripps, in relation to conservation advice, some submitters are concerned that item 2 as drafted is not specifically limited to things done before 31 December 2013. Do you have any response to this?

Dr Dripps: Which item?

CHAIR: Item 2 as drafted is not specifically limited to things done before 31 December 2013 is what some submitters are saying. Do you have any response to this?

Dr Dripps: Sorry, I have not turned my mind to it prior to being here, so I will have to quickly read it and see if I am able to—

CHAIR: Could you look at that and—

Dr Dripps: We can take it on notice.

CHAIR: I would appreciate it.

Dr Dripps: Yes, that would be fine.

Answer:

The policy intention of Item 2 of the Environment Legislation Amendment Bill 2013 is that the provision is time-limited to 31 December 2013 and that the decisions and instruments validated by Item 2 are those that are covered by Item 1.

The explanatory memorandum to the Bill, specifically paragraphs 1.1 to 1.3, clarifies the policy intention that Schedule 1 of the Bill (Amendments relating to approved conservation advice) is limited to decisions and instruments made under the EPBC Act prior to 31 December 2013.

Question No: 6
Hearing: Senate Environment and Communications Legislation Committee
Outcome: Public Hearing
Programme: Environment Legislation Amendment Bill 2013
Topic: Conservation Advice
Hansard Page: 45
Question Date: 6 February 2014
Question Type: Spoken

Senator Waters asked:

Senator WATERS: I have a few more questions. Can you advise how many pieces of approved conservation advices there are?

Dr Dripps: I could take that question on notice, but there are between 600 and 700.

Senator WATERS: Do we have approved conservation advice for every listed species, most of them, half of them or—

Dr Dripps: Very close to most of them.

Answer:

There are 859 approved conservation advices. A further 75 are expected to be approved by April 2014 following consultation with the Threatened Species Scientific Committee.

An approved conservation advice is required for each listed threatened species except those that are extinct or conservation dependent. Transitional provisions under the *Environment and Heritage Legislation Amendment Act (No. 1) 2006* (EHLA Act) exempted from the requirement for an approved conservation advice those listed species with recovery plans in place or in preparation. Of the 1640 listed species that are not extinct or conservation dependent, all but 38 have either an approved conservation advice, or a recovery plan that is in place or in preparation. By April 2014, this is expected to be resolved.