

**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: 23 August 2019

Question No: 1

Question Date: 28 August 2019

Question Type: Written

Question Text:

1. With reference to evidence given to the committee on 23 August 2019 by Mr John Williams:
 - a) In addition to the meeting Mr Knudson attended with Minister Frydenberg and members of the National Party in October 2017, can the department confirm officers did not attend an additional meeting at Parliament House in 2018 with Minister Frydenberg and then Senator John Williams and other members of the National Party.
 - b) Is the Craik review the sole outcome of representations made by National Party parliamentarians at the meeting with Mr Frydenberg and the department.
 - c) Was the Craik review a stalling tactic.
 - d) Which ministers and other parliamentarians did Ms Craik meet with (a) in the course of her review and (b) following her review.
 - e) Did the department do a poor job communicating with farmers about the revised grassland listing in 2016.

Answer:

a) The Department confirms this.

b) and c) The Craik review was undertaken to understand the issues faced by the agriculture sector and its interaction with the EPBC Act. This followed concerns raised over a number of years about people finding it difficult to understand EPBC Act requirements. This included the Productivity Commission's report into the Regulation of Australian Agriculture in late 2017 that found it could be unduly onerous on a farmer to deal with the complexity of their actions requiring compliance with the EPBC Act.

d) The Department is aware of meetings between Dr Wendy Craik and the following Ministers and other parliamentarians linked to her work on the review:

- then Environment Minister, the Hon Josh Frydenberg MP
- then Agriculture Minister, the Hon David Littleproud MP
- then Assistant Minister for the Environment, the Hon Melissa Price MP
- then Shadow Minister for the Environment, the Hon Tony Burke MP
- joint meeting of the environment and agriculture back bench committees (the Department does not have a list of attendees)
- National Party Room (the Department does not have a list of attendees)
- Coalition members briefing (the Department does not have a list of attendees)

e) While acknowledging that the Department can always do better, the Department

communicated with stakeholders about the revised listing on behalf of the Threatened Species Scientific Committee. The formal consultation during the assessment exceeded the Committee's requirements set out in S194M of the EPBC Act, which requires a publication on the internet for at least 30 business days.

The Committee's consultation notice was sent to a wide range of stakeholders and the consultation period was extended on two occasions. To assist with the Committee's consultation on a new proposed definition and threat assessment, the Department produced a specific consultation guide including a section on what it would mean for landholders.

State/territory agencies, Local Land Services (LLS), Local Councils, the National Farmers' Federation (NFF), and NSW Farmers' Association were consulted directly during the process of revising the listing in 2014-2016. The former Departmental NFF liaison officer helped with this. The targeted request for comment sent to these groups asked them to consider forwarding it on through their member networks and newsletters.

The NFF provided a submission on behalf of its members. The Department responded via a meeting and detailed letter addressing each concern raised. There were ongoing conversations with the NFF about the grasslands listing review over almost 2 years following their submission and before Minister Hunt made the final listing decision on 6 April 2016.

The NFF submission raised concerns about farmers understanding the thresholds and EPBC Act obligations. To help address this, the Department collaborated with NFF to develop the post-listing information guide, which includes a flowchart about how to recognise a patch of the grassland and what condition it might be in. It also includes other useful information and key contacts regarding the EPBC Act and potential funding initiatives to manage the grassland and its threats. The guide was published online following the listing and copies were sent to state/territory environment, local government and Local Land Services offices.

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Hearing date: 23 August 2019

Question No: 2

Question Date: 28 August 2019

Question Type: Written

Question Text:

2. With reference to evidence given to the committee on 23 August 2019 by Dr Wendy Craik:
- a) Is the EPBC Act (a) time-consuming, expensive and complex for farmers and (b) a barrier to agricultural development.
 - b) Do farmers have to deal with multiple case officers at the department when discussing the application of the EPBC Act.
 - c) Does the department lack agricultural expertise.
 - d) Does the EPBC listing process lack transparency.
 - e) Does the Government plan to amend the EPBC Act to introduce concurrent advice to the Minister for the Environment on social and economic impacts when receiving scientific advice from the Threatened Species Scientific Committee.
 - f) Who decided the Craik review should be commissioned. What was the date of the decision. Was the department consulted on the decision to commission the review – if so, when and how. Was the department consulted on the terms of reference for the review – if so, when and how. Was the department consulted on the selection of the person to lead the review – if so, when and how.
 - g) On what date was Dr Craik first asked if she was interested in undertaking the review. Who asked her if she was interested.
 - h) On what date did the Craik review commence. On what date did the Craik review conclude. On what date did (a) the minister's office and (b) the department receive (i) the report and (ii) the addendum to the report. On what date was the report and addendum released to the public.
 - i) Why was there an extended delay between receipt of the Craik review and its release.
 - j) On what dates has the department provided recommendations to the Minister on the Government's response to the Craik review. Why has the Government not responded to the review. When will the Government respond to the review.
 - k) How was the cost of the Craik review determined. Can each step in the procurement process be outlined, by date. What was the total cost of the review.

Answer:

- a) The views presented by Dr Craik in the final report of the *Review of interactions between the EPBC Act and the agriculture sector* are her independent views.
- b) Yes. This does occur. The Department endeavours to ensure proponents are assisted by one case officer, but it is possible that there may be circumstances where there is a change in case officer.
- c) The Department has a broad range of experienced and skilled staff and draws on external expertise as required.

- d) The listing process under the EPBC Act provides for engagement and consultation requirements including inviting nominations for items to be included in the threatened species, ecological communities or key threatening processes lists (S194E) as well as formal consultation on items in the finalised priority assessment list (S194M). Additional consultation and engagement may also occur. Further detail on transparency of the listing process is at Question 1e.
- e) Recommendations from Dr Craik's report that would require longer-term changes or those with implications for sectors additional to the agriculture sector will be considered as part of the independent review of the EPBC Act, due to commence in October this year.
- f) The Government took a decision to establish a targeted Review of interactions between the EPBC Act and the agriculture sector in early 2018. In the lead up to the announcement of the Review during February and March 2018 the Department supported the Government to develop a Terms of Reference and to identify and appoint an independent reviewer.
- g) Minister Frydenberg and his office had initial contact with Dr Craik in relation to her interest in undertaking the review. The Minister formally wrote to Dr Craik confirming her agreement to undertake the Review on 28 March 2018.
- h) On 29 March 2018 the Government announced the Review and Dr Craik as the Reviewer. The final report was received by the Department on 4 October 2019 and an addendum was received on 18 October 2019. Dr Craik's contract concluded on 9 November 2018. The Minister's office was provided with the final report on 15 October 2018 and addendum on 6 November 2018. The Review report and addendum were released on 27 June 2019.
- i) Public release of the Review report was a matter for government.
- j) The Minister for the Environment, the Hon Sussan Ley MP, released Dr Craik's report on 27 June 2019. The Government has put in place a number initiatives that address some of Dr Craik's recommendations. Longer-term changes or those with implications beyond the agriculture sector will be considered as part of the statutory review of the EPBC Act due to commence in October this year.
- k) Commonwealth Government procurement guidelines were followed for the Craik Review. Aither Consultancy, with Dr Craik as a Senior Associate of Aither Consultancy, provided a quote for the work and was formally engaged under a panel arrangement through the Environment Research and Analysis Panel (SON2615371) on 9 April 2018. The fees for services were as per the Deed of Standing Offer. A variation was agreed 11 October 2018 for additional consultation and engagement. The full contracted amount was not expended and the final cost for Aither undertaking the Review was \$536,766.67 (incl GST). An additional \$6,544.91 (incl GST) was spent by the Department for advertising in rural papers to seek submissions to the Review. The total cost for the Review was \$543,311.56, including all costs for the Review's Australia-wide consultation process and advertising.

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Question Date: 28 August 2019

Question Type: Written

Question Text:

3. With reference to evidence given to the committee on 23 August 2019 by the Department of the Environment and Energy:

- a) Can the department's "consultation engagement" with the National Farmers' Federation be outlined.
- b) Does the department hold a copy of the document produced by the Australian Public Service Commission titled "APS Values and Code of Conduct in Practice". If yes, (a) have SES officers in the department read it and (b) does the copy of the document held by the department provide that "the creation, maintenance and accessibility of Commonwealth records are key elements of sound public administration and accountability" and it is important to record, and maintain in accessible form, "significant events including meetings and discussions with Minister or stakeholders or members of the public which may be significant in terms of policy or program decision-making."
- c) Who invited Mr Knudson to attend a meeting with Minister Josh Frydenberg in the National Party party room at Parliament House in October 2017. On what date was the meeting held. Were any other departmental officers present for all or part of the meeting. Who else was there. What was discussed.
- d) With reference to evidence from Mr Knudson that no notes were taken at the meeting with Mr Frydenberg in the National Party party room at Parliament House in October 2017: (a) did Mr Knudson or any other officer make any notes of the content of the meeting or its outcomes during or after the meeting and (b) have any notes made by departmental officers during or after the meeting been destroyed.
- e) Can Mr Knudson explain why he says there were no "action items" that came out of the meeting when former Senator Williams says the Craik review resulted from the meeting.
- f) Who invited Mr Richardson to attend a meeting with Minister Angus Taylor at Parliament House on 20 March 2017. Were any other departmental officers present for all or part of the meeting. Who else was there. In what room was the meeting held. When did the meeting begin. When did the meeting end. Did everyone at the meeting know Mr Taylor was the part-owner of land subject to a compliance action by the department.
- g) With reference to evidence from Mr Richardson that no notes were taken at the meeting with Mr Taylor on 20 March 2017: (a) did Mr Richardson or any other officer make any notes of the content of the meeting or its outcomes during or after the meeting and (b) have any notes made by departmental officers during or after the meeting been destroyed.
- h) Who authorised the attendance of a compliance officer at the meeting with Mr Taylor on 20 March 2017.

- i) On what basis does Ms Collins contend (a) compliance wasn't discussed at the meeting with Mr Taylor and (b) the compliance officer who was there "didn't talk at all".
- j) How did Mr Richardson "go out of his way" to make sure there was no action that might threaten the integrity of the investigation into the alleged poisoning of critically endangered grassland on land owned by Jam Land Pty Ltd. What threats to the integrity of the investigation existed in March 2017.
- k) What do Mr Richardson and Mr Oxley mean when they describe the junior staff member in Mr Frydenberg's office as a "stand-alone staffer".
- l) On what date in 2016 or early 2017 did the compliance investigation relating to Jam Land Pty Ltd commence.
- m) With reference to the department's evidence that the lack of resources is one reason the compliance investigation relating to Jam Land Pty Ltd is not complete: (a) what resources are required to complete the investigation and (b) has the department asked (i) Mr Frydenberg (ii) Ms Price (iii) Ms Ley or (iv) any other Minister for additional compliance resources.
- n) What amount was expended on compliance activities in (a) 2016-17 (b) 2017-18 (c) 2018-19. What amount has been expended on compliance activities in 2019-20 to date.
- o) Can the department confirm the only compliance action relating to grasslands in the Monaro region is the compliance action relating to land owned by Jam Land Pty Ltd.
- p) What does the statement "it's a tricky space when we work for one minister but not directly on environment issues" mean.
- q) What does the statement "when we're giving evidence, we sometimes ensure that the minister protects her own relationships" mean.
- r) Can the department provide the grasslands "time lines" and "time frames" referenced by Mr Knudson during the hearing.

Answer:

(a) In 2016, the Department established the Agriculture and Environment Consultative Committee. The Committee comprises representatives from the National Farmers' Federation and the Department. The Committee provides a forum for open consultation on issues of mutual interest. Meetings of the Committee occur quarterly.

(b) Yes. Sub-question (a) Yes. Sub-question (b) Yes.

(c) Minister Frydenberg's office invited Mr Knudson to the meeting that was held on 25 October 2017. No other Departmental officer attended. In attendance were members of the National Party, Minister Frydenberg and one of his staff members, and Mr Knudson. The meeting discussed the EPBC Act and the agriculture sector.

(d) Sub-question (a) No. Sub-question (b) No.

(e) The Government took a decision to establish a targeted Review of interactions between the EPBC Act and the agriculture sector in early 2018. This followed concerns raised over a number of years about people finding it difficult to understand EPBC Act requirements. This included the Productivity Commission's report into the Regulation of Australian Agriculture in late 2017 that found it could be unduly onerous on a farmer to deal with the complexity of their actions requiring compliance with the EPBC Act.

(f) An adviser for Minister Frydenberg invited Mr Richardson to the meeting with Angus Taylor MP. Present at the meeting were Mr Taylor, Mr Richardson, two other Departmental officers, and the adviser for Minister Frydenberg. The meeting was held in Mr Taylor's office. The meeting was scheduled for 11:00 – 11:30 am. Department officials at the meeting knew of Mr Taylor's familial interest but not if he was part-owner of the land subject to a compliance action.

(g) Sub-question (a) No notes were taken at the meeting. Sub-question (b) The outcomes were addressed through advice provided to Minister Frydenberg's adviser via email. These are included in the FOI documents that the Senate Committee referred to during the hearing.

(h) Mr Richardson was the senior Departmental officer at the meeting.

(i) Ms Collins formed this view based on information provided to her by the departmental officers that attended the meeting on 20 March 2017

(j) Mr Richardson did not share information about the Compliance investigation with Angus Taylor MP or other parties that are outside of the Department or Minister Frydenberg's office.

(k) The evidence from Mr Oxley and Mr Richardson provides further context for this response.

(l) The Department's investigation commenced on 17 November 2016.

(m) The Department gave evidence to the Committee on 23 August that there are a number of factors that influence the duration of an investigation. The Department has considered, and continues to consider, a range of additional information which will inform the final compliance outcome. It is a priority for the Department to conclude the investigation as soon as possible.

(n) The expenditure figures provided only relate to activities of the Office of Compliance (formerly Compliance and Enforcement Branch). Compliance related activities are also undertaken by other areas of the Department.

2016-17 Financial year	\$9,068,355.87 (Note this included Post Approval Section which was transitioned into the Environmental Standards Branch on 1 July 2017)
2017/18 Financial year	\$8,246,750.31
2018/19 Financial year	\$8,234,744.63
2019/20 Financial year (YTD)	\$1,129,274.66* *As at 29 August 2019

(o) Yes

(p) and (q) The full answer details the context of these statements.

(r)

Date	Document
Consultation during review	
September 2012	Expert workshop, including officers from state/territory environment agencies and Local Land Services.
16 April 2014	Public consultation notification to councils, Local Land Services and CMAs

15-16 May 2014	Notification of public consultation from joint Department/ National Farmers' Federation NFF liaison officer to NFF, NSW Farmers, National Irrigators Council (NIC)
16 May 2014	Confirmation from NFF liaison officer of notification of public consultation to NFF, NSW Farmers, NIC, NSW Environment
18 July 2014	Granting of extension of public comment period to NSWFA and NFF
25 June 2014	NFF submission
21 October 2014	Departmental response to NFF submission
24 July 2015	Letter from NSW Office of Environment and Heritage outlining activities for the conservation of the grasslands
Notification of listing	
15 April 2016	Notification of listing to stakeholders, including state/territory environment agencies, councils, Catchment Management Authorities and Local Land Services
15 April 2016	Notification to NFF of listing
Circulation of information guide	
August 2016	Circulation of information guide

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Question No: 4

Question Date: 28 August 2019

Question Type: Written

Question Text:

4. With reference to the statement by Senator Fawcett at the hearing on 23 August 2019 that "Minister Taylor made it clear to the then environment minister that the compliance action was on foot":

When and how did Mr Taylor make it clear to (a) the then environment minister and/or (b) the department that he had an interest in land subject to compliance action by the department.

Answer:

(a) This is not for the Department to answer. (b) The Department does not have any record of such a declaration.

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Question No: 5

Question Date: 28 August 2019

Question Type: Written

Question Text:

5. On what dates has the department provided to the offices of (a) Mr Frydenberg (b) Ms Price (c) Ms Ley and (d) any other minister, including assistant ministers, any information about the compliance action relating to land owned by Jam Land Pty Ltd.

Answer:

Information relating to Jam Land has only been provided to the office of Minister Frydenberg (2017-2018) and Minister Ley (2019). Dates that briefing, or other information about the Compliance investigation have been provided are:

2017:

15, 16 and 21 February

7 March

28 July

3 August

12 and 25 October

2018

30 January

2019

11 June

In addition to the above, a weekly report on assessment and compliance matters is prepared by the Department is provided to the Office of the Environment Minister. The compliance matter relating to the land owned by Jam Land Pty Ltd has been on this report since 2 December 2016.

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Hearing date: 23 August 2019

Question No: 6

Question Date: 28 August 2019

Question Type: Written

Question Text:

6. How does the EPBC framework meet Australia's international obligations to identify, protect and manage nationally and internationally important flora, fauna, ecological communities and heritage places.

Answer:

The EPBC Act specifically provides that the Minister in deciding whether or not to approve an action must not act inconsistently with Australia's obligations under the World Heritage Convention (refer section 137), National Heritage management principles (refer 137A), Ramsar Convention (refer section 138), the Convention on Biological Diversity and CITES (refer section 139) and the Bonn Convention and migratory bird agreements (refer section 140).

Australia's international commitments guide our national actions. The Australian Government delivers programs and initiatives that facilitate a variety of on-ground and outcome focussed activities, such as management of invasive flora and fauna, protection of threatened species, conservation of existing natural resources, and community engagement.

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Question No: 7

Question Date: 28 August 2019

Question Type: Written

Question Text:

7. The department's submission to this inquiry refers to a NSW case study where the department has partnered with co-regulators and industry representatives including the NFF. Is the NSW Government the co-regulator. Is this a whole-of-state activity.

Answer:

Local Land Services is the NSW Government co-regulator. The activity is a whole of state activity.

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Hearing date: 23 August 2019

Question No: 8

Question Date: 28 August 2019

Question Type: Written

Question Text:

8. The department's submission to this inquiry refers to the department's compliance and enforcement policy. With reference to the policy:

- a) What does "we are open about what we do" mean.
- b) What does "we monitor, review and report on our activities" mean. How has the department reported on its activities with respect to compliance activities to protect grasslands in the Monaro region.

Answer:

The Compliance Policy sets out, in the context of being transparent and accountable, that where possible, the Department is open about what it does. This means compliance activities are undertaken in a manner that is procedurally fair and ethical. For current investigations, the Department does not release information to the public unless it is absolutely necessary or required by the investigative process. The Department does not release any information that might:

- prejudice a person's right to a fair hearing or legal process
- impinge upon the privacy or safety of others involved in the investigation (such as complainants, witnesses and suspects)
- prejudice any of the Department's past or future activities.

The Department answers requests for information when it can, subject to confidentiality obligations, and the laws about information security and privacy. In addition, the Department may publish outcomes from court decisions and enforcement actions as permitted by legislation on its website.

The Department aims to continually improve the effectiveness of its compliance activities by monitoring, reviewing and reporting on compliance activities, for example, through the Department's annual corporate report and budget statements.

The Department has not released information about the current compliance investigation relating to grasslands in the Monaro region as the investigation is ongoing.

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Question No: 9

Question Date: 28 August 2019

Question Type: Written

Question Text:

9. Why is the Natural Temperate Grassland of the South Eastern Highlands ecological community significant.

Answer:

The significance of this ecological community is explained in the information guide "*Natural Temperate Grassland of the South Eastern Highlands: a nationally protected ecological community*" (available from <http://www.environment.gov.au/biodiversity/threatened/publications/natural-temperate-grassland-se-highlands-guide>), which states that this ecological community provides habitat for a range of native plants and animals that rely on grasslands for their homes and food. Remnant patches of the ecological community provide wildlife corridors and refuges in a fragmented landscape.

The plains of Canberra, the Monaro and surrounding regions once contained some of the most extensive and diverse temperate grassland in Australia. Prior to the 20th century, when conditions were right, the grassland and surrounding grassy woodlands would have contained abundant and diverse native flora and fauna. While most native grassland in this region has been lost or fragmented by improved pasture and then urban development, pockets of native grassland remain and provide crucial local biodiversity, natural beauty and amenity in parks, nature reserves and other land around the region.

The ecological community provides vital habitat for many threatened and rare species of plants and animals. Grassland remnants provide vital habitat for at least 19 nationally threatened species, for example, patches of the ecological community in the Monaro region contain some of the best remaining habitat for the grassland earless dragon (*Tympanocryptis pinguicolla*).

The native grassland also provides benefits for the broader environment and associated ecosystem services, and for land managers and the general public. Native grasslands can provide a range of benefits to agriculture as they are drought and frost tolerant, provide year round forage (particularly green summer feed), and can form an important part of low input production systems. They are more resilient to extended periods of drought than many exotic pasture grasses. Native grasslands have been important in fine wool production in Australia, and also provide important ecosystem services such as carbon storage, improving water infiltration, reducing soil erosion and suppressing weeds.

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Question No: 10

Question Date: 28 August 2019

Question Type: Written

Question Text:

10. Is the Natural Temperate Grassland of the South Eastern Highlands one of the most threatened ecosystems in Australia.

Answer:

The national Threatened Species Scientific Committee classified the ecological community as Critically Endangered – the most threatened level available - due to historic losses in area, the fragmented nature of the remaining grasslands, loss of ecological integrity, and a variety of very serious and ongoing threats.

Its extent is estimated to have declined by more than 90 per cent and it has a highly fragmented and restricted distribution. This has resulted in large reductions in the regional populations of many plants and animals, including many local extinctions, particularly of ground-dwelling fauna and the most disturbance-sensitive flora.

The decline in biodiversity would be ongoing without restoration efforts by governments, local community groups and landholders. Threatened ecological communities may become extinct, through further loss of extent and/or function, unless threats are removed or better managed. Protection reduces the risk of this unique and important part of the landscape being lost to future generations.

Isolated populations of grassland animals and plants may be more vulnerable to local extinction. Connectivity between individual areas of grassland and with other areas of native vegetation, particularly grassy woodlands, is important. Even the smallest remnants of the ecological community within cities or on farms can be important "stepping-stones" or pollination/seed dispersal routes between larger grassland and grassy woodland remnants and therefore also need protection to maintain the long-term viability of the ecological community as a whole.

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Question No: 11

Question Date: 28 August 2019

Question Type: Written

Question Text:

11. What nineteen threatened species live in the Natural Temperate Grassland of the South Eastern Highlands ecological community.

Answer:

At the time the Conservation Advice was published in April 2016 the following threatened species were known or likely to occur in the ecological community. Nineteen of these were listed nationally under the EPBC Act.

These species are listed under the *Environment Protection and Biodiversity Conservation Act 1999* (Australian Government), the *Nature Conservation Act 1980* (ACT), the *Threatened Species Conservation Act 1995* (NSW), the *Flora and Fauna Guarantee Act 1988* (Vic.). C = critically endangered, E=endangered; V=vulnerable; R = rare. L= listed as threatened under the Victorian Flora and Fauna Guarantee Act.

Species	Common name	National	ACT	NSW	Vic.
FLORA					
<i>Botrychium australe</i>	Austral moonwort				L, V
<i>Calotis glandulosa</i>	mauve burr-daisy	V		V	
<i>Dianella perfragrans</i>	Arching flax-lily				V
<i>Dillwynia glauca</i>	Michelago parrot-pea			E	
<i>Discaria pubescens</i>	Australian anchor-plant				L, R
<i>Diuris pedunculata</i>	golden moths	E		E	
<i>Dodonaea procumbens</i>	creeping hopbush	V		V	V
<i>Eucalyptus aggregata</i>	black gum			V	L, E
<i>Gentiana bredboensis</i>	Bredbo gentian	V		V	
<i>Lepidium ginninderrense</i>	Ginninderra peppergrass	V	E		
<i>Lepidium hyssopifolium</i>	basalt peppergrass	E		E	L, E
<i>Leucochrysum albicans</i> var. <i>tricolor</i>	hoary sunray (white form)	E			L, E
<i>Pelargonium</i> sp. (G. W. Carr 10345)	a pelargonium	E		E	
<i>Polygala japonica</i>	dwarf milkwort				V
<i>Prasophyllum canaliculatum</i>	a leek orchid			CE	
<i>Prasophyllum frenchi</i>	maroon leek-orchid	E			L, E
<i>Prasophyllum petilum</i>	Tarengo leek orchid	E	E	E	
<i>Rulingia prostrata</i>	dwarf kerrawang	E		E	L, E
<i>Rutidosia leptorrhynchoides</i>	button wrinklewort	E	E	E	L, E
<i>Rutidosia leirolepis</i>	Monaro golden daisy	V		V	
<i>Swainsona sericea</i>	silky swainson-pea			V	L, V
<i>Thesium australe</i>	austral toadflax	V		V	L, V
<i>Wilsonia rotundifolia</i>	round-leafed wilsonia			V	
<i>Xerochrysum palustre</i>	swamp everlasting	V		V	L

FAUNA					
Reptiles and amphibians					
<i>Aprasia parapulchella</i>	pink-tailed worm-lizard	V	V	V	L, E
<i>Delma impar</i>	striped legless lizard	V	V	V	L
<i>Litoria subglandulosa</i>	glandular frog			V	
<i>Litoria verreauxii alpina</i>	alpine tree frog			E	L, C
<i>Suta flagellum</i>	little whip snake			V	
<i>Tympanocryptis pinguicolla</i>	grassland earless dragon	E	E	E	L
Birds					
<i>Melanodryas cucullata cucullata</i>	hooded robin		V	V	L
<i>Petroica phoenicea</i>	flame robin			V	
<i>Stagonopleura guttata</i>	diamond firetail			V	
Invertebrates					
<i>Synemon plana</i>	golden sun moth	CE	E	E	L, C
<i>Perunga ochracea</i>	Perunga grasshopper		V		

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Question Type: Written

Question Text:

12. Is most farming activity in the Monaro region unaffected by the listing of the Natural Temperate Grassland of the South Eastern Highlands ecological community.

Answer:

Most landholders in the region do not need to refer under the EPBC Act because they either:

- Do not have native grassland on their property, particularly of the size and quality required to meet the EPBC Act definition;
- Ongoing grazing is a continuing use that is exempt from EPBC Act consideration (on the Monaro most farming activities involve long term grazing), or
- Because typical changes in grazing practices would not have a significant impact.

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Question Type: Written

Question Text:

13. How did the alleged poisoning of 30 hectares of critically endangered grasslands in the Monaro region come to the attention of the department. With reference to the staged response to alleged non-compliance with national environmental laws outlined in the department's compliance policy: (a) on what date did the initial assessment commence (b) on what date did the initial assessment conclude (c) what happened at the conclusion of the initial assessment and (d) what stage is the investigation at now.

Answer:

The Department received allegations from multiple parties and our investigation commenced on 17 November 2016.

As this matter is still under investigation no further details will be provided.

**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: 23 August 2019

Question No: 14

Question Date: 28 August 2019

Question Type: Written

Question Text:

14. For all compliance investigations that began in the year 2016-2017 how many investigations other than the Jam Land Pty Ltd investigation are ongoing.

Answer:

Eight

**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: 23 August 2019

Question No: 15

Question Date: 28 August 2019

Question Type: Written

Question Text:

15. Does the department have any record of Mr Angus Taylor declaring his interest in Jam Land to (a) the Minister for the Environment or (b) the department. If so, when and how was the declaration made.

Answer:

No.

**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: 23 August 2019

Question No: 16

Question Date: 28 August 2019

Question Type: Written

Question Text:

16. Did the department have any basis to think the grasslands listing was the "number 1 issue" for farmers in the Monaro before receiving an email from a junior staffer in Minister Frydenberg's on 9 March 2017.

Answer:

Mr Richardson was noting this term, as reported to him by the Minister's Office.

**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: 23 August 2019

Question No: 17

Question Date: 28 August 2019

Question Type: Written

Question Text:

17. Was it the department's idea, or Mr Frydenberg's idea, that a compliance officer attend the meeting with Mr Taylor on 20 March 2017. Why did the department consider it appropriate for a compliance officer to attend a meeting with a Minister who had both a family connection and a direct financial connection to an ongoing compliance matter.

Answer:

The Department considered it appropriate that a Compliance Officer attended a meeting with Angus Taylor on 20 March 2017 following a request from Minister Frydenberg's office.

The purpose of the Compliance Officer attending the meeting was to answer any questions that might arise about how the Department undertakes compliance and enforcement activities and to ensure that nothing was discussed about an ongoing compliance investigation on the Monaro Plains.

No compliance questions or issues were raised and the Compliance Officer did not speak at the meeting.

**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: 23 August 2019

Question No: 18

Question Date: 28 August 2019

Question Type: Written

Question Text:

18. With reference to the department's discussions with the regional Local Land Services office between 20 March and 24 March 2017: were these discussions proposed by Mr Angus Taylor at his meeting with the department on 20 March 2017 or were they an independent initiative of the department.

Answer:

They were an independent initiative of the Department.

**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: 23 August 2019

Question No: 19

Question Date: 28 August 2019

Question Type: Written

Question Text:

19. Can the department provide details of all meetings since 2016-17 between (a) representatives of Jam Land and Ministers Frydenberg, Price and Ley and/or their offices, by date and (b) representatives of Jam Land Pty Ltd and the department, by date.

Answer:

(a) The Department has no knowledge of any meetings between representatives of Jam Land and Ministers Frydenberg, Price and Ley and/or their offices.

(b) Representatives from the Department of the Environment and Energy have met in person with representatives of Jam Land Pty Ltd on five occasions. As this relates to a compliance matter that is currently under investigation, further details will not be provided.

**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: 23 August 2019

Question No: 20

Question Date: 28 August 2019

Question Type: Written

Question Text:

20. On how many occasions since 29 May 2019 have Ms Ley and Mr Taylor been joint recipients of departmental briefs.

Answer:

There were nine briefs to Minister Ley copied to Minister Taylor between 29 May 2019 and 23 August 2019.

None of these briefs were about the EPBC Act, species listings or compliance.

**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: 23 August 2019

Question No: 21

Question Date: 28 August 2019

Question Type: Written

Question Text:

21. When will the independent statutory review of the EPBC Act commence.

Answer:

The independent statutory review of the EPBC Act is required to commence by October 2019.

**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: 23 August 2019

Question No: 22

Question Date: 28 August 2019

Question Type: Written

Question Text:

22. Can the following documents be provided to the committee:

- a) All correspondence, including briefs and emails, to and from Ministers Frydenberg, Price, Ley and Taylor, and their offices, related to the listing of the Natural Temperate Grassland of the South Eastern Highlands as critically endangered
- b) All file notes recording communications with Ministers Frydenberg, Price, Ley and Taylor, and their offices, related to the listing of the Natural Temperate Grassland of the South Eastern Highlands as critically endangered
- c) All documents related to the listing of the Natural Temperate Grassland of the South Eastern Highlands as critically endangered that reference (a) Mr Angus Taylor and/or (b) Jam Land Pty Ltd and/or (c) land owned by Jam Land Pty Ltd

Answer:

The listing process predates these Ministers. The listing brief was signed by Minister Hunt on 31 March 2016.

Given the Committee's interest in Minister Taylor, the Department can confirm it has not provided written briefing, emails, and does have file notes of any discussion with Minister Taylor or his office in relation to the Grasslands.