



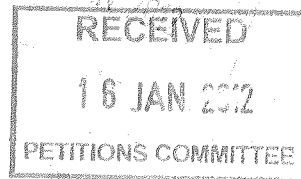
**The Hon Tony Burke MP**

**Minister for Sustainability, Environment, Water, Population and Communities**

C11/8499

The Hon John Murphy MP  
Chair  
Standing Committee on Petitions  
Parliament House  
CANBERRA ACT 2600

21 DEC 2011



Dear Mr Murphy

I refer to your letter of 25 August 2011, concerning the submission of a petition regarding the sustainable management and development of Australian farmland.

As you may be aware, many of the issues raised by the petition are currently the subject of litigation in the matter *Spencer v Commonwealth and New South Wales* (ACD24/2007). As a result, it is not appropriate for me to comment on these issues, except to state the following.

Over the past 20 years, governments and landholders have taken major steps across Australia to achieve more sustainable land management. This has included reducing land clearing in order to achieve biodiversity conservation, soil protection, water quality and salinity benefits.

Management of native vegetation is primarily a state and territory responsibility and is generally outside the scope of the Australian Government's direct responsibility. Nevertheless, the government does play a significant role in working cooperatively with the states and territories to develop national policies as well for matters which lie within its own jurisdiction, including Australia's obligations under international law, exports, imports and quarantine, and the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). In relation to the EPBC Act, the government would only intervene on specific development matters that will, or are likely to, have a significant impact on matters of National Environmental Significance.

The government has worked cooperatively with the states and territories on environmental matters in developing national-level policies. Such policies that affect the management of native vegetation include the *1999 National Framework for the Management and Monitoring of Australia's Native Vegetation* and *Australia's Biodiversity Conservation Strategy 2010-2030*. Adoption of these policies is voluntary; they explicitly do not involve coercive appropriation of any private property rights.

The government contributes to implementation of national environmental and sustainable resource management through grant and associated programs. Prime amongst these is the \$2 billion *Caring for our Country* initiative focused on the sustainable management of natural resources. *Caring for our Country* supports land managers to protect Australia's natural environment and to produce food and fibre sustainably through incentive payments, market-based instruments and extension activities.

It is delivered in partnership with regional Natural Resource Management groups, local, state and territory governments, Indigenous groups, industry bodies, land managers, farmers, Landcare groups and communities. Participation in this program is voluntary and depends on the willing participation of private landholders and others.

With respect to water legislation, this petition principally concerns the nature of the statutory rights granted under State and Territory legislation. However, the *Water Act 2007* (Cth) strengthens the rights of Murray-Darling Basin water entitlement holders by guaranteeing compensation in certain circumstances.

Similarly, with respect to mining legislation, onshore mining operations are primarily regulated under the respective State or Territory government legislation. The relevant State or Territory government is responsible for making decisions in relation to the licensing of mining and extractive industries and therefore are responsible for managing issues in relation to land access, the loss of productive farmland and adverse health impacts associated with production.

Commonwealth responsibilities in relation to the approval of mining projects and other development proposals are primarily concerned with the protection of matters of National Environmental Significance defined under the EPBC Act. In addition, section 255AA of the *Water Act 2007* (Cth) requires that, prior to licences being granted for subsidence mining operations on floodplains that have underlying groundwater systems forming part of the Murray-Darling Basin system inflows, an independent expert study must be undertaken to determine the impacts of the proposed mining operations on the connectivity of groundwater systems, surface water and ground water flows and water quality.

Thank you for writing on this matter and for bringing the petition to my attention.

Yours sincerely

Tony ~~Burke~~