

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

Question No: 55
Hearing: Additional Estimates
Outcome: Outcome 1
Programme: Environment Standards Division (ESD)
Topic: QLD Land clearing - Ministerial responsibility under the EPBC Act
Hansard Page: 136
Question Date: 08 February 2016
Question Type: Spoken

Senator O'Sullivan asked:

Senator O'SULLIVAN: ... Is there a specific section of the act that burdens the minister, when information comes to his or her attention, that they have to take a course of action such as has been taken here? If the answer is no, just say no. If it is the whole act or if it is vibe, I am happy.

Mr Tregurtha: As I said, the minister is responsible for administering the EPBC Act.

Senator O'SULLIVAN: Somewhere there has been a course of events—conversations, I imagine an exchange of correspondence—that has caused the department to arrive at the decision to write the letter.

Mr Tregurtha: Yes.

Senator O'SULLIVAN: Given that I have no correspondence and all that raises any issue about these 55 permits, upon which you could rely, then there must be correspondence that I do not have. Are you aware of correspondence that I do not have where it details information that burdens the minister?

Mr Tregurtha: As I said, I have some of the correspondence that you noted in your letter that you had. I am assuming that is the correspondence that you have—

Senator O'SULLIVAN: Yes, I have that. There is nothing in that. We are both agreed on that.

Mr Tregurtha: The material you do not have would include the department's inquiries of the Queensland government in relation to this matter, where, as I indicated in my first answer to the question, in the course of undertaking those inquiries the department became aware from the Queensland government that 59 permits had been issued to 54 permit holders. That is where the information accrued to the department.

Senator O'SULLIVAN: Do you have correspondence about that, or a file note, or does anyone have a diary note?

Mr Tregurtha: We absolutely would have material, yes.

Senator O'SULLIVAN: Could you take it on notice to supply me with all of the relevant documents that have any reference whatsoever to a file note, to diary note, to a letter from the Queensland government, to a response from the Queensland government, to a phone message slip or anything of that nature? If you could pull it together.

Mr Gaddes: We would be happy to take that on notice.

Answer:

An initial meeting, officer level discussions, and a subsequent email led to the Department receiving information about 59 landowners issued permits to clear native vegetation under Queensland legislation.

On 18 May 2015, the Assistant Secretary of the Compliance and Enforcement Branch, and a subordinate officer, met with officials from the Queensland Department of Natural Resources and Mines in Brisbane. The purpose of the meeting was to discuss land clearing at Olive Vale Station and any other land clearing activities that had the potential to impact on matters protected under the *Environment Protection and Biodiversity Conservation Act 1999*. A copy of the meeting request is provided at **Attachment A**.

This meeting was followed by discussions, at officer level, between the Department of the Environment and Queensland Department of Infrastructure, Local Government and Planning.

On the basis of these conversations the Department formally sought information from the Queensland Government on 15 June 2015 to assess the potential risk associated with all of the permits the Queensland Government had issued. A copy of the relevant email is provided at **Attachment B**.

On 17 June 2015 the Queensland Government provided a summary of the 59 permits it issued to the Department. A copy of the Queensland Government's response is provided at **Attachment C**.

[REDACTED]

Subject: DoE and NRM meeting: Land clearing in Queensland
Location: Level 7, 61 Mary Street, Brisbane Queensland

Start: Mon 18/05/2015 2:30 PM
End: Mon 18/05/2015 4:00 PM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: [REDACTED]
Required Attendees: Gaddes, Shane; [REDACTED]

From: [REDACTED] (61 Mary St.) [REDACTED]@dnrm.qld.gov.au]
Sent: Thursday, 14 May 2015 10:59 AM
To: Gowland, Kynan
Cc: [REDACTED]
Subject: RE: Land clearing in Queensland [SEC=UNCLASSIFIED]

[REDACTED]

I am free on Monday 18 May from 10:00 to 11:30 and 2:30 onwards

[REDACTED] is based in Cairns and I cannot advise on his availability. Please contact [REDACTED] to arrange a time that is suitable to him

You may need to catch up with us separately, tho we can generally arrange for video conferencing if circumstances allow.

regards

[REDACTED]
Director, Land and Asset Policy

Land and Mines Policy

Email [\[REDACTED\]@dnrm.qld.gov.au](mailto:[REDACTED]@dnrm.qld.gov.au)

Ph: [REDACTED]

Mobile: [REDACTED]

Natural Resources and Mines

Level 7, 61 Mary Street, Brisbane

PO Box 2454 Brisbane 4001

Queensland Government

Department of Natural Resources and Mines

Visit us at: www.dnrm.qld.gov.au

From: [REDACTED]@environment.gov.au]

Sent: Wednesday, 13 May 2015 5:17 PM

To: [REDACTED] (61 Mary St.)

Subject: Land clearing in Queensland [SEC=UNCLASSIFIED]

Afternoon [REDACTED]

Shane Gaddes (Assistant Secretary of our departments Compliance and Enforcement Branch) and I will be in Brisbane early next week, likely Monday, for various meetings. Your details and [REDACTED] have been passed onto me as likely contacts that we could meet and discuss the existing Olive Vale / Fairview vegetation clearing matter and any other potential significant land clearing activities which may impact on EPBC Act protected matters.

Are you and [REDACTED] available for a meeting Monday next week?

Happy to discuss further,

[REDACTED]
Director

Assurance and Audit Section
Compliance and Enforcement Branch

Department of Environment
GPO Box 787
CANBERRA ACT 2601

Ph: 02 6275 9322 Fax: 02 6274 1607

www.environment.gov.au

The information in this email together with any attachments is intended only for the person or entity to which it is addressed and may contain confidential and/or privileged material. There is no waiver of any confidentiality/privilege by your inadvertent receipt of this material.

Any form of review, disclosure, modification, distribution and/or publication of this email message is prohibited, unless as a necessary part of Departmental business.

If you have received this message in error, you are asked to inform the sender as quickly as possible and delete this message and any copies of this message from your computer and/or your computer system network.

From: [REDACTED]
To: [REDACTED]
Subject: FW: Information sharing with the Department of the Environment [SEC=UNCLASSIFIED]
Date: Wednesday, 2 March 2016 11:30:32 AM

From: [REDACTED]
Sent: Monday, 15 June 2015 2:00 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Information sharing with the Department of the Environment [SEC=UNCLASSIFIED]

Hi [REDACTED]

Further to our discussion on Friday, we are looking to re-examine a couple of the other large, high-value agriculture cases have been brought to our attention in the recent past.

Strathmore is likely to be the first one we will re-examine, however we would be grateful if we could get from you further information about all previously approved projects and forthcoming approvals. I understand that this is in the vicinity of 59/9.

We would also be interested in any independent reviews you may have commissioned for other approvals, as per Olive Vale.

If you prefer, I could request this information formally via an information sharing letter. That way you can be sure that privacy issues will be dealt with appropriately.

Regards

[REDACTED]

[REDACTED] | A/g Director | EPBC Compliance Section | Compliance and Enforcement Branch
Department of the Environment
GPO Box 787 Canberra ACT 2601 | Ph (02) 6275 [REDACTED] | Fax (02) 6274 1607 |
[REDACTED][@environment.gov.au](mailto:[REDACTED]@environment.gov.au)

Important note: This message has been issued by the Department of the Environment and may contain confidential or legally privileged information. The information transmitted is for the use of the intended recipient only. It is your responsibility to check any attachments for viruses and defects before opening or sending them on. Any reproduction, publication, communication, re-transmission, disclosure, dissemination or other use of the information contained in this e-mail by persons or entities other than the intended recipient is prohibited. The taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you think it was sent to you by mistake, please delete all copies and advise the sender.

From: [REDACTED]
To: [REDACTED]
Subject: FW: High Value Agriculture Land
Date: Wednesday, 16 March 2016 11:47:23 AM
Attachments: HVAC Application Summary.pdf

From: [REDACTED] [mailto:[REDACTED]@dilgp.qld.gov.au]
Sent: Wednesday, 17 June 2015 3:52 PM
To: [REDACTED]
Subject: High Value Agriculture Land

Dear [REDACTED],

Thank you for your advice to date. It is appreciated. As discussed, we are keen to receive written confirmation from the applicant of their intentions to refer the approval under the EBPC Act to the Commonwealth as soon as possible. This will negate our need to refer the approval under section 69 of the EPBC Act.

Please also find the summary as follows:

- 59 applications for the clearing of approximately 111,714.9 hectares for high value agriculture (106,952.3 hectares with involvement from Peter Spies Pinnacle pocket consulting) have been approved
- 9 applications for the clearing of approximately 23,135.26 hectares for high value agriculture (6178 hectares with involvement from Peter Spies Pinnacle pocket consulting) pending approval

In relation to the 9 pending approvals:

1. There are currently 6 of the 9 pending applications in decision stage. The decision is made by my Director-General pursuant to the *Sustainable Planning Act 2009*.
2. The first of these reached the end of the decision stage on Friday 29 May 2015 (for 6178ha of clearing). The 22A VMA application included reports prepared by Peter Spies. We did not make a decision in relation to this application.
3. The second reached the end of the decision stage yesterday (17 June 2015). This was for 23.25ha of vegetation clearing. The 22A VMA application included reports prepared by a different consultant, Jane Barratt of EBB Environmental. We did not make a decision in relation to this application.
4. The other decision dates are due on 23 June, 2 July, 9 July and 21 January 2016.

Please call me on 07 3452 [REDACTED] if you have any queries in relation to the above.

Thanks,

[REDACTED]
[REDACTED]
[REDACTED]

Office of the Director-General
Department of Infrastructure, Local Government and Planning
Level 12, 100 George St Brisbane QLD 4000
p. 07 3452 [REDACTED] | m. 04 [REDACTED] [REDACTED] | e. [REDACTED]@dilgp.qld.gov.au

Customers first | Ideas into action | Unleash potential | Be courageous | Empower people