



Australian Government

Department of Agriculture, Fisheries and Forestry

September 2008

Committee Secretary
Senate Standing Committee on Environment, Communications and the Arts
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

**Senate Inquiry into the Operation of the
*Environment Protection and Biodiversity Conservation Act 1999***

Dear Sir/Madam,

I write regarding the Senate's Inquiry into the Operation of the *Environment Protection and Biodiversity Conservation Act 1999*. As some of the Inquiry's Terms of Reference relate to matters which are the responsibility of the Australian Government Department of Agriculture, Fisheries and Forestry (DAFF), I make the attached submission on behalf of the department.

While the closing date for submissions was Monday 22 September 2008, DAFF received an extension until Monday 29 September.

I would also like to draw your attention to the submission made to the Inquiry by the Australian Government Department of the Environment, Water, Heritage and the Arts (DEWHA). DAFF provided input to this submission, particularly on the programs administered jointly by both departments.

You may also wish to consider the joint submission made by DAFF and DEWHA to the Inquiry into Natural Resource Management and Conservation Challenges being undertaken by the Senate's Rural and Regional Affairs and Transport Committee.

Yours sincerely

David Williamson
Acting Deputy Secretary

**Submission to the Senate Standing Committee on
Environment, Communication and the Arts**

**Senate Inquiry into the Operation of the
*Environment Protection and Biodiversity Conservation Act 1999***

**Australian Government Department of
Agriculture, Fisheries and Forestry**

September 2008

The Australian Government Department of Agriculture, Fisheries and Forestry (DAFF) welcomes the opportunity to make a submission to the Senate Standing Committee on Environment, Communications and the Arts for the purposes of its Inquiry into the Operation of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). This submission discusses Australian Government natural resource protection programs administered by DAFF and other issues relevant to the scope of the Inquiry.

Caring for our Country Initiative

DAFF and the Australian Government Department of the Environment, Water, Heritage and the Arts (DEWHA) share responsibility for delivery of the Australian Government's environment and sustainable agriculture programs, which have traditionally been broadly referred to under the banner of "natural resource management".

In March 2008, the Australian Government announced the \$2.25 billion "Caring for our Country" initiative, which is an ongoing initiative for investment in the future of the environment and sustainable natural resource management in Australia. It will be an investment over five years to restore the health of Australia's environment and build on improved land management practices.

Caring for our Country, which commenced on 1 July 2008, has as its goal, "an environment that is healthy, better-protected, well-managed, resilient, and that provides essential ecosystem services in a changing climate".

Caring for our Country integrates the delivery of four previous Australian Government programs: the Natural Heritage Trust; the National Landcare Program; the Environmental Stewardship Program; and the 2007 election commitment to expand the employment of Indigenous Rangers under the Working on Country Program.

Caring for our Country will focus investment in six national priority areas:

- the national reserve system;
- biodiversity and natural icons;
- coastal environments and critical aquatic habitats;
- sustainable farm practices;
- natural resource management in remote and northern Australia; and
- community skills, knowledge and engagement.

As part of the investment in these priority areas, Caring for our Country will implement a number of the government's 2007 election commitments, including:

- rescue the Great Barrier Reef;
- repair our fragile coastal ecosystems;
- save the endangered Tasmanian Devil;
- improve water quality in the Gippsland Lakes;
- improve water quality in the Tuggerah Lakes;
- fight the Cane Toad menace;
- employ additional Indigenous Rangers;
- expand the Indigenous Protected Area network; and
- assist Indigenous Australians enter the carbon trading market.

When it announced Caring for our Country in March 2008, the Australian Government advised that 2008-09 would be a transition year in which:

- all the 2007 election commitments would start to be implemented;
- regional bodies would be funded to undertake actions from their current regional investment strategies that contribute to the national priorities while assisting them to make the transition to the new arrangements;
- funding would be provided to other urgent works that contribute to national priorities while establishing more comprehensive and strategic funding arrangements for future years; and

- more efficient and effective program support, administration and evaluation arrangements would be established.

During the transition year, a number of activities that had previously received funding under the Natural Heritage Trust are continuing to be funded because they will make a substantial contribution to the outcomes being sought under Caring for our Country.

Much of the fundamental architecture of Caring for our Country will not be fully operating until 2009-10. For example, the first business plan (or investment prospectus) is about to be released:

- this will clearly articulate the Australian Government's vision for what Caring for our Country will deliver by 2013, the first series of short-term targets for action, and the priority actions, regions and programs that the Government considers a high priority for investment;
- the business plan or prospectus will provide an integrated and comprehensive overview of priorities for funding across each of the different elements of Caring for our Country;
- it will call for proposals for investment that respond to the priorities identified in the plan. This means that individuals, regional groups, industry, NGOs and other relevant delivery partners will be able to see in the one place, at the one time, the Australian Government's priorities for investment. They will only need to submit the one proposal to address the business plan, rather than responding to multiple calls for grants;
- to provide for future certainty, there will be the capacity to approve a proportion of investment proposals for multiple years.

Landcare and Community Involvement in Natural Resource Management

Since the early 1990s, the Australian Government has funded landcare projects focused on improving the management of soils, water and vegetation at a farm and community level. It is estimated that around three-quarters of Australian farmers are either involved in landcare activities or benefit from knowledge acquired through the landcare movement.

Landcare continues to be an important component of the Caring for our Country initiative. The landcare component of Caring for our Country will support the landcare movement with a particular focus on adapting agricultural practices to the effects of Australia's changing climate. It will specifically encourage landholders, through production focused outcomes, to undertake innovative approaches to landcare and related sustainable outcomes on farm. The resulting collective community action improves resilience and productivity while sustainably managing the environment and natural resources.

The Australian Government will invest \$2.25 billion over five years in the Caring for our Country initiative, which aims to restore the health of Australia's environment and build on improved land management practices. Under this initiative all regional natural resource management bodies will be encouraged to include in their bids for regional funds, strategies showing how they will support and involve (in decision making) community groups within their regions. Community groups will also be able to bid for funds through competitive funding rounds under Caring for our Country.

Invasive Species - Defeating the Weed Menace

The Defeating the Weed Menace program ceased on 30 June 2008. The final year of the program focused on the finalisation of projects funded over the life of the program.

Around 200 projects have been funded, covering on-ground eradication, containment and control; best practice management strategies; monitoring, mapping, early detection and identification tasks; and communication and awareness programs leading to better management, quarantine and biological control.

Over \$41 million was injected directly into priority weed management activities mainly for the 20 "weeds of national significance" (WoNS), the weeds on the National Environmental Alert List and "sleeper weed" species.

As well as providing grant funding, Defeating the Weed Menace supported a network of WoNS coordinators and their management groups, and the National Weeds Management Facilitator, to coordinate national action. This resulted in stronger strategic action on weeds across the country, the dissemination of information on better weed management techniques, and more efficient weed control.

The government honoured an election commitment for a national weeds and productivity research program by establishing the Australian Weeds Research Centre. The centre will continue the work begun by the Cooperative Research Centre for Australian Weed Management, which also ceased on 30 June 2008. The government is providing \$15.3 million over four years to investigate and address Australia's most significant invasive plants to reduce their impact on farm and forestry productivity and on biodiversity.

Land Clearing

Legislation to reduce land clearing has been implemented by states and territories in order to achieve a range of environmental benefits such as biodiversity conservation, soil protection, water quality and reduced greenhouse gas emissions.

Much of Australia's native vegetation exists on private land. Private land owners and managers are responsible for over 60 per cent of all land in Australia. Their engagement is essential to realise environmental benefits on a broad national basis.

Under the Australian Constitution, state and territory governments have primary responsibility for land use decisions, including the clearing of native vegetation. However, the Australian Government protects matters of National Environmental Significance under the EPBC Act including threatened species and ecological communities.

The Australian Government recognises the importance of managing our native vegetation to conserve biodiversity, improve water and soil quality and reduce greenhouse gas emissions as well as the need to balance this with farm productivity. With this shared understanding, all governments have recently commenced a review of the *National Framework for the Management and Monitoring of Australia's Native Vegetation* and to build on its successes. This Framework established a national agenda for sustainable native vegetation management. It is expected that the review of the Framework will be finalised in November 2009.

As part of the Caring for our Country initiative DAFF will be looking at flexible and cost-effective approaches for managing native vegetation. The department will review the Native Vegetation Regional Pilot Projects. The pilots include incentive payments, property management systems, offsets and information services. The department expects the knowledge from these pilot projects will lead to established guidelines and templates that inform future national programs aimed at improving the sustainable management of Australia's natural vegetation resources. It is expected an evaluation of the program and a report will be finalised by early 2009 when all the projects are completed.

Fisheries Management

The EPBC Act has been critical in promoting improvements to the biological sustainability of fisheries and the environment in which fisheries operate. The EPBC Act has made a major contribution to shifting fisheries management towards an increased focus on the biological sustainability of both target stocks and other components of marine ecosystems.

Increasingly, there are higher community expectations of government through regulation to ensure that product that gets to consumers is sustainably produced. In meeting the high biological requirements arising from the EPBC Act, in addition to the ecological sustainable development (ESD) principles of the *Fisheries Management Act 1991* (FM Act), there is a cost borne by the fishing industry in compliance and regulation in supplying a product to market. In all, 20 operational fisheries have been through the assessment process under the EPBC Act.

While Commonwealth fisheries are managed through the application of the FM Act, the management of Australia's domestic fishing activity including the management of internationally-shared and straddling fish stocks cannot be meaningfully separated from the EPBC Act. The EPBC Act, which looks at species from a biological conservation point of view, intersects with fisheries management in a number of ways, principally

through Part 10 (*Strategic Assessments*), Part 13 (*Species and Communities listings*) and Part 13A (*International Movement of Wildlife Specimens*).

An objective of the FM Act is to manage the use of fisheries resources in line with the principles of ESD. Such an approach includes the fisheries management practice of maintaining fish populations at reduced levels to optimise productivity. The 2007 Commonwealth Harvest Strategy Policy (HSP), endorsed by both fisheries and environment ministers, aims to maximise the net economic return to fishers and at the same time ensure fish stocks remain at safe and productive levels. The HSP clarifies the relationship between fisheries management and the EPBC Act in relation to the application of threatened species listing for fished stocks above a limit biomass reference point, but does not provide clear guidance on threatened species listing for stocks below that reference point. Action under both fisheries and environmental legislation may be considered when the limit reference point is exceeded.

A species in a fishery managed to comply with ESD principles may, under the EPBC Act, also be nominated and ultimately included on the threatened species list with the fisheries themselves being listed as key threatening processes. Additional regulatory arrangements for fisheries such as the response to strategic assessments, wildlife trade operation approvals and threatened species listings requires a very considerable investment of resources on behalf of fisheries management agencies which commonly operate, at least in part, on a cost-recovery basis.

Regional Forest Agreements

The inquiry is examining the effectiveness of Regional Forest Agreements (RFAs), in protecting forest species and forest habitats where the EPBC Act does not directly apply.

This refers to section 38(1) of the EPBC Act which advises that a forestry operation undertaken in accordance with an RFA is exempt from Part 3 of the Act¹. Part 3 outlines "Requirements for environmental approvals".

This exemption does not mean that forestry operations are exempt from taking environmental protection into account. Rather, it recognises that comprehensive assessments were undertaken as part of each RFA. The Explanatory Memorandum for the Regional Forest Agreements Bill 2002 advises that the exemption:

"provides that forestry operations in regions subject to RFAs are excluded from certain Commonwealth legislation. This is because the environmental and heritage values of these regions have been comprehensively assessed under relevant legislation during the RFA process and the RFAs themselves contain an agreed framework on ecologically sustainable development of these forest regions over the next 20 years."

[www.comlaw.gov.au/comlaw/Legislation/Bills1.nsf/0/6B772F5E7F4DABF8CA256F720030256F/\\$file/20020213RFAEM.rtf](http://www.comlaw.gov.au/comlaw/Legislation/Bills1.nsf/0/6B772F5E7F4DABF8CA256F720030256F/$file/20020213RFAEM.rtf)

The exemption also reflects the intention of the EPBC Act to improve the efficiency of Commonwealth and state assessment processes by reducing duplication.²

There are ten RFAs and each one was preceded by a Comprehensive Regional Assessment (CRA) of the environment, heritage, social and economic uses and values of the forests. The process used the JANIS criteria³ to identify the areas of the forest that needed protection and which parts could be used for commercial purposes. The assessments also determined what the forests meant to the industries and people of each region, including indigenous Australians. They drew on existing material as well as a wide range of specially commissioned studies and technical reports.

¹ Section 42 of the EPBC Act advises that this exemption does not apply if the forestry operation is in a World Heritage Area, a site listed under the Ramsar Convention or in an area where forestry is "incidental to another action whose primary purpose does not relate to forestry".

² Environment Minister's second reading speech for the Environment Protection and Biodiversity Conservation Bill 1998, Senate Hansard, 12th November 1998, p209.

³ Commonwealth of Australia 1997. *Nationally Agreed Criteria for the Establishment of a Comprehensive, Adequate and Representative Reserve System for Forests in Australia: A Report by the Joint ANZECC / MCFFA National Forest Policy Statement Implementation Sub-committee.*

As a result of these assessments, all RFAs contain statements confirming that the Commonwealth has fulfilled its duties in relation to environmental protection. The RFAs also take account of state environmental protection legislation, including for endangered and threatened species of flora and fauna.

Breaches of RFAs

DAFF and DEWHA have signed a *Memorandum of Understanding Concerning Ongoing RFA Obligations and Monitoring*. The memorandum sets out the agreed roles and responsibilities of these departments in meeting ongoing Australian Government responsibilities in relation to forest management, both in RFA regions and elsewhere.

In general, complaints about alleged breaches of RFAs are investigated by relevant Australian Government agencies working co-operatively with state authorities. As the states are the on-ground managers, they are directly responsible for implementing RFA provisions and hold all relevant management plans and compliance mechanisms. Any information provided in support of alleged breaches is reviewed. The memorandum includes an incident report form which was developed by DAFF and DEWHA to ensure that a consistent approach was applied.