15 June 2018

Dr Wendy Craik
Agriculture Review (Aither)
Level 2, 45 Exhibition St
Melbourne VIC 3000

By email: agreview@aither.com.au

Dear Dr Craik,

**ALCA submission in response to the review of the interaction between the EPBC Act and agriculture**

The Australian Land Conservation Alliance (ALCA) represents the Australian State level Land Trusts and other major conservation organisations who individually and collectively contribute to the achievement of local, national and international biodiversity conservation goals on private land. With private land playing an increasingly important role in the achievement of nature conservation in Australia, ALCA and its members can significantly contribute to supporting private landowners to deliver conservation outcomes for Australia.

The common goal of ALCA members is to protect biodiversity on private land, prioritised through conservation planning to focus on securing the highest value native habitat. This planning encompasses the establishment of an ecologically representative national reserve system and the protection of matters of national environmental significance (MNES) listed through the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Farmers are increasingly represented in the group of private landowners actively protecting native vegetation on their land throughout Australia. ALCA members engage with many farmers who retain and enhance habitat for MNES. Our members offer advice, support and resources to these landowners, either at no cost or coupled with management incentives. Further, ALCA members have first-hand experience in approval processes through the EPBC Act, including both assisting farmers with queries in relation to EPBC Act impacts as well as supporting them in developing an offset arrangement.

ALCA welcomes any initiative that helps farmers improve their ability to engage and comply with the EPBC Act. Primary production represents the single largest land use in Australia (58% in 2010, as per the Australian Bureau of Agricultural and Resource Economics), and farmers have significant expertise in land management that can equally be applied to crop and livestock production as well as habitat protection. Improving engagement of the agriculture sector with the EPBC Act is likely to have considerable benefits. For ALCA members, this could include closer working relationships with more farmers to protect Australia's biodiversity.

**Summary**

ALCA's key recommendations or observations are that:

1. Any changes to the administration of the EPBC Act be assessed against its impact on biodiversity and only implemented if this impact is positive.
2. The Australian Government invests in improved support networks and information that assist farmers to engage with the EPBC Act's objectives and processes.
3. The administration of the EPBC Act should not discourage voluntary biodiversity conservation that supports its objectives. Farmers prepared to permanently protect habitat for MNES should not be precluded from future offset opportunities.
4. The EPBC regime should encourage strategic approaches to offsets by allowing farmers to develop and protect habitat for MNES that may be used in future offset arrangements.

**Recommendation 1**

***That any change to the administration of the EPBC Act be assessed against its impact on biodiversity and only implemented if this impact is positive***

Biodiversity continues to decline in quality and extent across the nation (see Australia's State of the Environment report 2016). Our natural assets face ongoing pressure from increasing threats that are likely to continue this significant long term decline. This is in contrast with the agricultural sector whose value has steadily increased (nearly doubling from $36.1 billion to $60.8 billion over the last 10 years, as per Australia Bureau of Statistics).

ALCA believes that any changes to EPBC Act processes must take into account the state of biodiversity in Australia. The degradation of the environment continues to the extent that many ecosystems are increasingly vulnerable to collapse (Australian Government's Biodiversity Strategy 2010-2037). The EPBC Act plays a crucial role in maintaining habitat for MNES and any diminishment of this ability will only exacerbate the current decline in biodiversity. ALCA recognises that improvements to the administration of the EPBC Act are possible to achieve outcomes that are mutually beneficial to farmers and the environment. Such an approach aligns with the federal government's recently released strategy on Environmental Economic Accounting, which seeks to take environmental values into account in economic decision making (see: http://www.environment.gov.au/science/environmental-economic-accounting/publications/environmental-economic-accounting-strategy\). However, any changes to the EPBC Act or its administration must not reduce the ability to protect MNES, or increase the risk of further biodiversity loss.

For instance, the impacts of activities on a MNES may require extensive assessment and review processes which may appear complex and time-consuming for landholders, but which are often necessary and appropriate. However, a well-resourced threatened species recovery approach would improve the efficiency of assessments thereby reducing cost and time while also improving conservation outcomes (see recommendation 2) – provided they are delivered efficiently.

**Recommendation 2**

***That the Australian Government invests in improved support networks and information that assist farmers to engage with EPBC Act issues***

A system that better supports early and efficient contact with landowners around EPBC issues would lead to more effective implementation of the Act and alleviate perceptions that compliance is difficult or complex. This support should be sustained for the life cycle of the assessment and approval process.

ALCA members provide valuable advice and support on biodiversity issues to landowners including farmers. This includes identification of MNES habitat, potential impacts on ecological health and management advice. This support, limited by funding, is typically based on long-standing relationships, face-to-face meetings and trusted expertise.

Other institutions play a similarly important role including community groups, Landcare facilitators and Catchment Management Authorities. This support network is often the first point of contact for farmers considering or interacting with EPBC Act matters. Government funding of these bodies is generally declining and becoming more targeted to project outcomes, providing less capacity to engage deeply with the agricultural sector.

As well as personal contact, the interactions of farmers with the EPBC Act rely on practical information on MNES including up-to-date recovery plans, threat abatement plans, habitat mapping and active recovery groups. For many MNES, this information is lacking, resulting in greater onus on each applicant developing part of this information to support their application. A single source of agreed information and approach to MNES recovery will be far more cost and time effective than its development through separate and individual applications.

We note that ALCA members play an active role in assisting with the implementation of recovery plans.

**Recommendation 3**

***That the EPBC regime make greater use of conservation covenants as tools for protection of MNES***

The use of on-title, permanent conservation agreements such as Conservation Covenants gives certainty for farm planning and provides access to a range of support and services such as ecological identification and management planning. This support is highly valued by farmers and compliments their role as stewards of the land. It also delivers habitat improvements for the protected species and communities and contributes to meeting Australian Government responsibilities under international conventions.

ALCA believes that the EPBC regime should allow greater use of these tools. Instead, farmers who make a commitment to permanently protecting habitat are penalised by being excluded from participating in future offset arrangements. This is a significant barrier to voluntary habitat protection.

**Recommendation 4**

***That the offset strategy for the EPBC Act be amended to allow land already protected by on-title permanent conservation agreements to participate in future offset arrangements***

ALCA does not specifically endorse the use of offsets to address the objectives of the EPBC Act, as there is insufficient information on the outcomes of offsets to demonstrate a net gain to biodiversity. However, it recognises that in practice offsets are used extensively by regulators when planning applicant conditions in response to biodiversity impacts and so supports a model that will deliver the best outcomes for biodiversity.

For example, strategic offsets are planned activities to increase the size and connectivity of a permanently protected habitat patch. These are, comparatively, better than isolated offsets as they offer higher biodiversity returns and greater certainty of long term outcomes. The current approach to developing offsets under the EPBC Act is largely reactive, in response to individual applications. The short time frames and one-off nature significantly limits the ability to take a strategic approach to offset delivery.

Advanced offsets and offset banks are one way to allow the development of strategic offsets. However, the current Advanced Offset Policy Statement for offsets under the EPBC Act limits the use of this approach to those led by Proponents. Under this policy, landowners and farmers are not able to develop biodiversity protection and improvement activities that could potentially be assigned to a future impact. This is a significant barrier to applying a long-term approach to biodiversity planning.

Allowing landowners to develop conservation activities that qualify as offsets against future impacts would allow more strategic approaches to be developed with confidence. This could occur over longer timeframes than typically provided by a one-off EPBC Act application, allowing better biodiversity benefits to be identified and provide appropriate consultation for landowners to consider the implications on their farm plan.

This approach would also recognise the value of voluntary actions for biodiversity. It could reduce or remove the current disincentive where protecting threatened species or community habitat through conservation covenant disqualifies landowners from participating in offsets (see recommendation 3). It could also lead to a greater number and range of offset options that may broadly reduce offset costs.

Thank you for the opportunity to contribute to this review. If you would like to discuss any of the issues raised in this submission further, please contact Chris Cook on (03) 8631 5888.

Yours sincerely

Jane Hutchinson
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Australian Land Conservation Alliance