



## **Submission**

**In response to 'The independent review of interactions between the EPBC Act and the agriculture sector'.**

### **Prepared by**

Bush Heritage Australia

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## **Bush Heritage Australia's submission to: 'The independent review of interactions between the EPBC Act and the agriculture sector'**

Bush Heritage Australia is a national not-for-profit organisation, protecting ecologically important land for the benefit of nature and all Australians. Bush Heritage operates nationally, to protect and restore to health over 8 million ha of habitat as part of the National Reserve System (NRS). We prioritise land for acquisition or management based on its biodiversity values, the representation of habitat types in the NRS, threats at play in the landscape and our ability to address those threats effectively.

Bush Heritage Australia takes a highly collaborative approach to land management and biodiversity protection, engaging and working with others on securing our natural environment and ecosystem services at a landscape scale. Bush Heritage values working cooperatively with all levels of Government and always strives to understand government priorities and strategies in the regions where we work. Our collaborative approach has its greatest tangible benefits in our partnership approach with a) Aboriginal corporate bodies where we assist with management of Indigenous Protected Areas; b) other private landholders particularly in the agriculture sector, such as in our Tasmanian Midlands project, or in our work with neighbours and community members; and c) other conservation programs where a collaborative approach can have a larger landscape scale impact.

In summary Bush Heritage believes that:

- the EPBC Act serves the long-term interests of all Australians, and if anything should be strengthened to improve our performance on international conservation measures, not weakened;
- this review provides a timely opportunity to review and simplify how the Act is administered;
- perceptions that the EPBC Act is impeding agricultural development could be addressed through improved procedures, and providing support, making incentives clear and improving communication with farmers, rather than altering the regulation per se;
- raising awareness and understanding of the myriad benefits to farmers and communities who have EPBC listed ecosystems or species on their land through the use of model farmers.

The sustainability of our farming industry is essential to the health of Australia as a whole. However, some practises of the agricultural industry do have a detrimental impact on ecosystem health and biodiversity, and some policies developed to assist farmers have inadvertent, although broad, impacts on conservation activities – thus putting these policy areas at odds with one another. Bush Heritage has demonstrated an approach to working with farmers that delivers conservation outcomes alongside production and we commend the Department of Environment and Energy for this initiative which states its aim is facilitating best practise agriculture that genuinely meets EPBC regulations, rather than relaxing any regulations under the EPBC Act.



## **1. Strengthening the EPBC Act**

Bush Heritage believes that the Act itself, while the subject of the review, is not in need of change, unless to be strengthened.

The EPBC Act delivers benefits to every Australian by protecting for the future the natural capital of our country including services such as soil health, gas balance, water resources, pollination, thriving ecosystems and protection of species. Through effective implementation of the act we can also enhance our natural environment in its role in sequestering carbon, providing resources, medicines, supporting biodiversity and maintaining human wellbeing. The EPBC Act has a critical role in ensuring that biological diversity and ecosystem health are maintained for future generations. Given Australia's extinction record and the seemingly inexorable growth of the threatened species list (1866 plant and animal species: <http://www.environment.gov.au/cgi-bin/sprat/public/publicthreatenedlist>) we cannot allow short-term interests out-way the long-term public good of protecting our natural resources for future generations. The EPBC Act needs to be strengthened to enhance environmental protection in this time of persistent environmental degradation and species extinction.

## **2. Improving the administration of the EPBC Act**

Bush Heritage Australia has been directly involved in controlled actions under the EPBC Act, and we see this review as an ideal opportunity to review the way the Act is administered: to simplify the application process, and better support and incentivise the farming sector to adhere to it and benefit from being stewards of significant environmental assets.

Specifically we commend the efforts to:

- 1) Understand where real and perceived barriers exist for farmers in navigating the requirements of the EPBC Act, with a particular focus on environmental referrals, assessment and approvals, and the listing and delisting process for threatened species and ecological communities.
  - a. Making these areas of legislation easier to understand and work with can be of great benefit to farmers whose motivation is to contribute to protecting the environment through their agricultural activities.
  - b. Expanding the awareness of the intersection between agricultural actions and the EPBC Act will hopefully increase appropriate referrals and compliance.
- 2) Remove barriers to encourage compliance with EPBC regulations and gaining approvals, including a cost reduction for small operations;
- 3) Make farmers more aware of the benefits they may gain through compliance with the EPBC. This will undoubtedly improve the motivation to work in a manner that has been shown to benefit biodiversity while maintaining viability of the agricultural business; and
- 4) Improve understanding of the meaning and significance of thresholds, both in the Monaro and in the broader Australian landscape. This will provide greater certainty and clarity
- 5) Better understand how farmers are assessing proposed agricultural developments and how they are engaging with and interpreting available advice from DoEE and others. This will hopefully encourage farmers to engage in the process at a relevant level. However, encouraging the large scale *Strategic* assessment over the *Project* assessments runs the risk of missing impacts of the development at the property level, and facilitating small incremental losses that over time combine to have long-term detrimental impacts.



However the stated scope of the review, specifically tasks 2-4 could reasonably raise concerns among the communities, including farmers, who work actively towards outcomes for biodiversity and resilient ecosystems in Australia.

Specifically:

Task 2 – “to identify concerns in the interaction between the EPBC Act and the sector and highlight areas where efficiencies might be realised” should specifically rule out any dilution of the regulations within the EPBC Act to accommodate efficiencies where they have an active or inadvertent negative impact on the environment. Bush Heritage does not support the view that productivity is at odds with the environment and that gains in productivity can only be gained at the expense of the environment. Agricultural methods that inherently involve environmental degradation should be discouraged rather than changing legislation to be accommodated. Investments that support landholders implementing agricultural methods that reduce the impact on the environment, and specifically EPBC listed species should be prioritised. Legislation should not be relaxed to accommodate land uses that effect environmental degradation for the purpose of making administrative efficiencies. The cumulative effect of seemingly small changes could be significant;

With respect to this, we provide at the end of this submission a case study that identifies positive interaction between private agricultural landholders and environmental assets, showcasing a) genuine motivation of the agricultural sector to value their natural capital and b) how incentives and effective long term support can provide mutual benefits for the agricultural sector and biodiversity.

Task 3 - “Provide an overview of the appropriateness of the current regulatory settings of the EPBC Act in regard to their impact on the agriculture sector, with consideration to the objects of the EPBC Act”. The EPBC Act should be applied universally across all citizens and sectors of Australian public and business. The appropriateness of legislation should only be assessed against the goals of the legislation itself. The ways and means of complying with, contributing to and gaining benefits from the legislation should be facilitated through the review to guide an appropriate response, rather than seek to change legislation for one particular sector;

Task 4 – “Outline options to practically improve how the agriculture sector is regulated under the EPBC Act and to reduce the regulatory burden faced by farmers and applicants” as with Task 3 – any change to the administration of the EPBC Act should only be implemented if it is going to strengthen the ability for the ACT to protect the environmental outcomes that are important to all Australians. We welcome investments in better support and incentives for private agricultural landholders (including facilitation of support networks, clarity of information) to more easily understand and comply with regulatory settings and to engage more positively with the Act for their benefit. Investment in 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.

Task 5 – “As far as possible, consider the costs and benefits of the recommendations as required by the Australian Government”. This is a rational approach to all efforts and Bush Heritage would encourage a long term view of all costs – social, environmental and economic forecast into the new millennia of any short term actions that impact negatively on the environment upon which all landholders depend.



In summary, Bush Heritage would be concerned about any relaxation of regulations that enables short term actions at any scale which increases threatening processes to Australian biodiversity including:

- a) land clearing or degradation;
- b) production of waste/contamination;
- c) unjustified animal or population control;
- d) conversion of threatened native grasslands or grassy woodlands to cropping land
- e) Removal of paddock trees that are critical habitat for endangered species.

### **3. Changing perceptions of the Act in rural communities.**

This review also provides an opportunity to address misperceptions that the EPBC Act is an impediment to further agricultural development by improving clarity, flow of information and increasing incentives and support for landowners. Reviews of case studies and programs that integrate and work together with landholders to protect their natural assets for EPBC listed communities would highlight the positive outcomes being achieved, benefiting all Australians.

### **4. Case Study: Tasmania Midlands Farmers gain from protecting EPBC listed community.**

Bush Heritage Australia and the Tasmanian Land Conservancy are working with private landholders in the Tasmanian Midlands to protect the critically endangered grasslands in Tasmania (and associated ecological communities) which occur almost exclusively on private land. A series of workshops driven by farmers in 2007 helped develop the strategies and products that would support them in protecting these critically endangered ecosystems on their land. This resulted in a program called the Midlands Conservation Fund (MCF).

The landowners involved have been very enthusiastic and supportive. They come from a range of backgrounds – small scale farmers right through to mixed farming properties over extensive areas. Their motivations for protecting their grasslands varied, but included personal commitment and care for the environment; desire to maintain their farms in good condition for future generations; recognition that protecting their natural capital would have long term benefits for productivity on their farms; and opportunities for improved/diversified markets for their product.

The majority of farmers join the program for initial 10 year periods, with options to roll over their agreements and to continue in perpetuity. They deliver conservation outcomes specified in a jointly developed management plan, and by delivering those outcomes they receive stewardship funding. This assists with management of the grasslands and associated woodlands by providing additional funding for the control of weeds such as Gorse, to better manage stock numbers (e.g. to destock early in dry periods) or to encourage natural regeneration of native plants. These stewardship arrangements put the dollars from the environment on their balance sheets and have added diversity to incomes, that have proved beneficial during times of drought or unfavourable conditions.

Potential for in-perpetuity agreements comes from the dollars raised being invested in an endowment , combined with a long term commitment from the governing organisations. The initial funding round was oversubscribed, and we have run a second round which nearly doubled our area under protection. In some cases, a number of farmers have expanded the area under conservation protection on their property in the second round.



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As a national organisation, Bush Heritage sees that this type of program provides an example of how appropriate, efficient and effective support and incentive can help support farmers who have ecological communities that require protection under the EPBC Act but which need active management to maintain or improve their condition.

We would be happy to arrange a meeting or a site visit in Tasmania to further explore this and other solutions that may support improved and positive engagement with EPBC regulated environmental assets and the regulatory settings. For more information on this project please visit:  
<https://www.bushheritage.org.au/places-we-protect/tasmania/midlands>.

We appreciate the opportunity to provide input to this review and look forward to further engagement and consultation as the review progresses.

Sincerely,

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