

Submission; Exploring ways to improve farmers' interaction with the Environment Protection and Biodiversity Conservation Act 1999

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67 Payneham Road
College Park SA 5069

P 0422 974 857

E admin@dea.org.au

W www.dea.org.au

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DEA Scientific Committee

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Prof Stephen Leeder AO
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Doctors for the Environment Australia (DEA) is an independent, self-funded, non-government organisation of medical doctors in all Australian States and Territories. Our members work across all specialties in community, hospital and private practices. We work to prevent and address the diseases, local, national and global, caused by damage to our natural environment. We are a public health voice in the sphere of environmental health with a primary focus on the health harms from pollution and climate change.

Background

DEA has a Position Statement on "Health, sustainable diet and agriculture", and has made many submissions to Parliament on the EPBC Act and related matters (see Appendix 1). Furthermore, many of our members are in rural communities and some are also involved in farming enterprises.

We commend this review for the following reasons:

Human health and the environment are indivisible so much so that one quarter of human disease relates to harm to the environment. These interactions are explained in our Biodiversity Policy.²

We recognise that the farming sector has a key role in food production, is a pillar of human health, and its activities are vital in sustainability of land and therefore society.^{3,4}

We recognise that the crucial role of the farming community is neglected by all governments, in terms of rural services and facilities, the need for sustained assistance in a rapidly changing climate, the need for scientific and technological support and drought relief as fixed budget items. These needs are recognised by our rural members, for their communities suffer economic harm and health consequences, due to inadequate support from governments.

DEA supports reform of environmental law to reflect the importance of the issue. We refer the committee to the APEEL papers,⁵ and in particular, to the paper Terrestrial Biodiversity Conservation and Natural Resource Management.⁶ Recommendation 2.12 is that responsibility for the key decisions whether to trigger the process and to approve activities be made subject to the Commonwealth process be transferred from the Environment Minister to a new, independent Commonwealth Environment Authority. This would be expected to include input from all stakeholders backed by national scientific, economic, and health expertise (and indeed farming).

Submission

“Dr Craik invites written submissions from farmers and any interested stakeholders to inform her review how the farmers interact with the EPBC Act, particularly as it relates to:

- Helping farmers understand when their activity does (or does not) require referral, assessment or approval under the EPBC Act.
- Ensuring environmental regulation is applied to farmers in a practical way, considering on-ground farming practices and minimising any duplication or conflict with state or local laws.
- Examining how farmers are informed and able to participate in the listing process for species and ecological communities, and the implications for them when a listing occurs”.

We propose to address these terms of reference in relation to two issues

- Core educational needs to enable farmers and their elected representatives to understand the relevant legal and complex biodiversity issues in the context of sustainability, the understanding of which will allow and enhance participation to their benefit and that of the nation.
- The legal reforms necessary to improve outcomes, confer sustainability and decrease unnecessary regulation.

Educational needs in a fast changing world

At present, farming is a vital, challenging, diverse and often hazardous industry. It demands a broad range of skills from an often over stretched workforce. In the matter of legislation, the farmer must navigate rules set by multiple regulators including local council, rural fire services, state water and vegetation laws, and national legislation such as the EPBC Act. The rules may be inconsistent, difficult and time consuming to navigate, and may impose a financial burden on the farmer. Local farming operations may be seriously financially or physically affected when an adjoining area is listed as heritage or endangered, or a threatened species is identified.

Furthermore, the farmer’s range of skills and knowledge is increasingly challenged by an increasingly rapid change in climate, loss of biodiversity embracing many species relevant to pollination, soil ecology, and many other biological facilitators to successful agriculture. Additionally there is a worldwide decrease in groundwater, extending droughts and the extreme weather events which cause complex harms to soil and infrastructure. Worldwide food production is falling due to these factors and Australia is already affected for some crops.

For the farmer, these consequences will require changes in practice which will be demanding and expensive.

An understanding of these problems is vital to the farmer and his /her representatives. Many farmers have the professional knowledge to deal with these matters; they should have professional status which will enable ongoing education to be available to them in the national interest like nurses and other medical professionals. Farming should be given standing. This knowledge is even more important for their elected representatives, some of whom have been largely responsible for engendering three way conflicts between developers, conservationists and land holder/farmers. Governments have responded to sectorial demands with proposed knee jerk reactions to cut "Green Tape" and propose "One Stop Shops". In the past decade, the indolence of federal governments has produced only one legislative advance, the creation of the IESC which within limits can protect water resources from inappropriate mining which has been useful in some situations e.g. the Liverpool Plains.

In conclusion, the EPBC Act which, in the long term, is vital for sustainability needs to be understood and strengthened in many ways with the understanding and participation of farmers. Farmers are most likely to understand these issues when they are involved in the decision making process, and when these issues are raised in a timely manner, so that there are no unpleasant surprises from last minute ad hoc changes in relevant laws, often due to lobbying by powerful interests. They are also most likely to understand the issues when State and Commonwealth legislations are consistent and in agreement with the best scientific evidence available at the time.

The Report of the 2016 Productivity Commission Inquiry into the Regulation of Agriculture,⁷ provides a succinct overview of the problems between farmers, and regulators in general, including the EPBC. We agree with many though not all of the recommendations.

One example cited a cotton farmer on the Macintyre River in southern Queensland, wishing to do the right thing and direct excess water from his farm and onto a natural wetland and bird breeding habitat, but needing six weeks to negotiate the multiple regulators involved, at his own expense.

Another example involved a blueberry farmer in Coffs Harbour planning to clear a further 1.2 hectares. This was allowed under State legislation, but not under the EPBC Act, due to a possible neighbouring endangered plant community. After submitting 60 pages of documents and 18 maps to the Commonwealth Department of Environment and Energy, it was found that the impact would be minimal.

Legal reform

The present review of interaction between farmers and the EPBC Act can be no more than tinkering at the edge of necessary reform.

DEA has participated in numerous submissions to parliaments from our public health specialists and scientists which demonstrate that the present system of assessments affecting land are inefficient, lacking consistent expertise across the states and suffering from poor state federal interaction and party political ideologies.

This situation can only be resolved by a New Generation of Environmental Laws⁸ which are being supported by a wide range of environmental groups, lawyers and some doctors organisations. These are based on the legal papers developed by APEEL⁹ and articles on their relevance from a distinguished scientist¹⁰ and from a doctor¹¹ are brought to the attention of the Committee. These will have a vital role by utilising sound science, economic judgement and efficiency into one jurisdiction which is distanced from state/federal brawling and irrational political reaction We are happy to provide a detailed briefing to the Committee if requested.

The 2016 Productivity Commission¹² makes a number of key points which could be addressed by the New Environmental laws proposal. Those listed under "Other regulations and regulatory systems need to be reformed so they can more fully achieve their objectives".

Conclusions and Recommendations

The Productivity Commission 2016 "Inquiry into the Regulation of Agriculture" provides a detailed overview of some of the problems of regulation needing a solution. Reform is vital because of the multitude of regulations and the difficulties in reaching rational decisions under present state/federal decision making. The urgent development of a New Generation of Environmental Laws managed by one National Commission encompassing all stakeholders is imperative.

The standing of farming must be recognised by acknowledging it as the most important national industry because it confers sustainability for Australia and indeed for world food supplies which are currently falling. Farmers must be given professional status and consistent financial support to function under all adverse circumstances.

Appendix 1: Policy and submissions of relevance

Policy

Health, sustainable diet and agriculture Position Statement

<https://www.dea.org.au/wp-content/uploads/2018/04/Health---Sustainable-Diet-and-Agriculture-Position-Statement-03-18.pdf>

Biodiversity Policy

https://www.dea.org.au/wp-content/uploads/2017/02/DEA_policy_biodiversity.pdf

Biodiversity Position Statement

https://www.dea.org.au/wp-content/uploads/DEA_Position_Statement_-_Biodiversity_-_August_2014.pdf

Policy Action on Climate Change and Health; governance and strategy

<https://www.dea.org.au/wp-content/uploads/2018/03/DEA-Policy---Action-on-Climate-Change-and-Health-Governance-and-Strategy-02-18.pdf>

Submissions

EPBC Act

2014 submission to the [EPBC Amendment \(Bilateral Agreement Implementation\) Bill 2014](#)

2013 submission to the [EPBC Amendment \(Retaining Federal Approval Powers\) Bill 2012](#)

2012 submission to the Taskforce on the proposed [amendments to the EPBC Act](#)

Action on the land: reducing emissions, conserving natural capital and improving farm profitability. <https://www.dea.org.au/action-on-the-land-reducing-emissions-conserving-natural-capital-and-improving-farm-profitability/>

Submission to the Senate on the Inquiry into the United Nations Sustainable Development Goals (SDGs)

<https://www.dea.org.au/wp-content/uploads/2018/04/United-Nations-Sustainable-Development-Goals-SDG-Submission-03-18.pdf>

Submission on Australia's Strategy for Nature 2018-2030: Australia's biodiversity conservation strategy and action inventory

<https://www.dea.org.au/wp-content/uploads/2018/03/Strategy-for-Nature-2018-2030-Submission-03-18.pdf>

References

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- ¹ <http://www.environment.gov.au/epbc/information-for/farmers/consultation-agriculture-review>
 - ² https://www.dea.org.au/wp-content/uploads/2017/02/DEA_policy_biodiversity.pdf
 - ³ <https://www.dea.org.au/wp-content/uploads/2018/04/Health---Sustainable-Diet-and-Agriculture-Position-Statement-03-18.pdf>
 - ⁴ <https://www.dea.org.au/wp-content/uploads/2017/05/Action-on-the-land-submission-04-17.pdf>
 - ⁵ <http://apeel.org.au/papers/>
 - ⁶ https://static1.squarespace.com/static/56401dfde4b090fd5510d622/t/58e600d06a496356f0260720/1491468507651/APEEL_Terrestrial_biodiversity_conservation_NRM.pdf
 - ⁷ <https://www.pc.gov.au/inquiries/completed/agriculture/report>
 - ⁸ <http://www.placesyoulove.org/australiawelove/naturelaws/>
 - ⁹ <http://apeel.org.au/papers/>
 - ¹⁰ <https://theconversation.com/climate-policy-is-a-fiendish-problem-for-governments-time-for-an-independent-authority-with-real-powers-93853>
 - ¹¹ <https://theconversation.com/why-australians-need-a-national-environment-protection-agency-to-safeguard-their-health-93861>
 - ¹² <https://www.pc.gov.au/inquiries/completed/agriculture/report>