CUT RED TAPE TO
UNLEASH PROSPERITY

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SUBMISSION TO ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT AGRICULTURE REVIEW

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About the Institute of Public Affairs

The Institute of Public Affairs (IPA) is an independent, non-profit public policy think tank, dedicated to preserving and strengthening the foundations of economic and political freedom. Since 1943, the IPA has been at the forefront of the political and policy debate, defining the contemporary political landscape.

The IPA supports the free market of ideas, the free flow of capital, a limited and efficient government, evidence-based public policy, the rule of law, and representative democracy. Throughout human history, these ideas have proven themselves to be the most dynamic, liberating and exciting. Our researchers apply these ideas to the public policy questions which matter today.

About the authors

Daniel Wild is a Research Fellow at the Institute of Public Affairs. He specialises in red tape, regulation, economic policy, the philosophy of free enterprise, and criminal justice. Daniel has authored research papers on economic policy, environmental regulation, and criminal justice reform. Daniel frequently appears in the media, and has published a number of opinion pieces in The Australian, The Daily Telegraph, The Sydney Morning Herald, The Courier Mail, and The Spectator. Daniel has also made a number of radio and television appearances, including on 2GB, 3AW, Sky News, and Channel 7 News.

Daniel previously worked at the Commonwealth Department of the Prime Minister and Cabinet where he analysed global and domestic macroeconomic policy. Prior to that he worked at the Commonwealth Department of Finance where he worked on regulatory reform. Daniel holds an honours qualification in economics and a degree in international studies from the University of Adelaide.

Morgan Begg joined the IPA in 2014 to advance a major report into The State of Fundamental Legal Rights in Australia, which was referenced extensively in the Australian Law Reform Commission's seminal "freedom inquiry" released in March 2016. Morgan has also written a number of opinion articles, IPA Review essays and submissions to parliamentary inquiries, on a variety of topics, including red tape, freedom of speech, anti-discrimination laws, and legal rights and the rule of law.

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Executive Summary

Farmers and landowners are amongst the hardest workers in Australia. And the agricultural and resources sectors have been the backbone on growth and prosperity in Australia since settlement.

However, red tape and overregulation threaten prosperity and economic opportunity in the agricultural sector. Each year, red tape reduces economic output by $176 billion, which is the equivalent to 10 per cent of GDP.

Farmers and private landowners are some of the most affected by red tape, and in particular by environmental regulation at the Commonwealth level. Environmental regulation at the Commonwealth level has grown 80-fold since the first Commonwealth environment department was established in 1971.

Yet, Commonwealth involvement in environmental regulation is both unconstitutional and uneconomic.

Moreover, Commonwealth regulation of environmental matters has resulted in the effective sterilisation of hectares of privately held farmland, with the result of diminished farmland values without corresponding just and adequate compensation.

What is perhaps worse, however, is that environmental red tape is stopping farmers and Australia's agriculture sector from reaching its potential. The agricultural sector is home to 85,000 businesses, directly and indirectly employs 1.6 million Australians, and generates around $60 billion in economic value each year. Yet, it has much more to offer.

For Australian farmers and landowners to prosper into the future, and to fully realise their potential, red tape imposed by the Commonwealth government must be substantially reduced. To this end, the Institute of Public Affairs (IPA) is calling for deep, structural reforms to be undertaken, including through the complete removal of the Commonwealth government from the regulation of environmental matters.

Failing that, policymakers should implement a series of modest proposals to reduce the Commonwealth government's footprint. These could include introducing carve-outs or exemptions from the *EPBC Act* for land clearing activities which are considered to be of low environmental risk, devolving key functions to state governments, eliminating provisions which allow environmental groups to engage in protracted legal action, and encouraging private conservation.

Introduction

The Institute of Public Affairs (IPA) welcomes the opportunity to provide input into the review of how *the Environment Protection and Biodiversity Conservation (EPBC) Act* (1999) is imposing red tape within the agricultural sector. The IPA would also like to thank the committee for the opportunity to provide evidence in person (Tuesday, 8 May 2018).

This review is timely. Red tape, within the agricultural sector and across the Australian economic, is at crisis point. Each year red tape reduces economic output by $176 billion, which is the equivalent to 10 per cent of GDP. This estimate captures all of the businesses which are never started, the jobs never created, and the dreams and aspirations which are never fulfilled because of red tape.

Environmental regulation of the agricultural sector has made a substantial contribution to this overall red tape problem. Since the first Commonwealth environmental department was established in 1971, environment law as grown 80-fold, from just 57 pages of legislation in 1971 to 4,669 pages in 2016.

The expansion of Commonwealth involvement in environmental matters has imposed significant costs on the agricultural sector, mostly through duplication with state governments, compliance costs, legal uncertainty, and delays to project implementation.

The basis of Commonwealth involvement in environmental matters is highly questionable from both a constitutional and economic perspective. As such, the IPA believes substantial reform is needed to achieve deep and long-lasting reductions to the red tape impost on Australia's agricultural sector.

Summary of Recommendations

- Abolish the *EPBC Act,* and devolve the management of environmental matters to state governments.

In the absence of abolition of the *EPBC Act,* the following marginal changes should be made to reduce red tape on the agricultural sector:

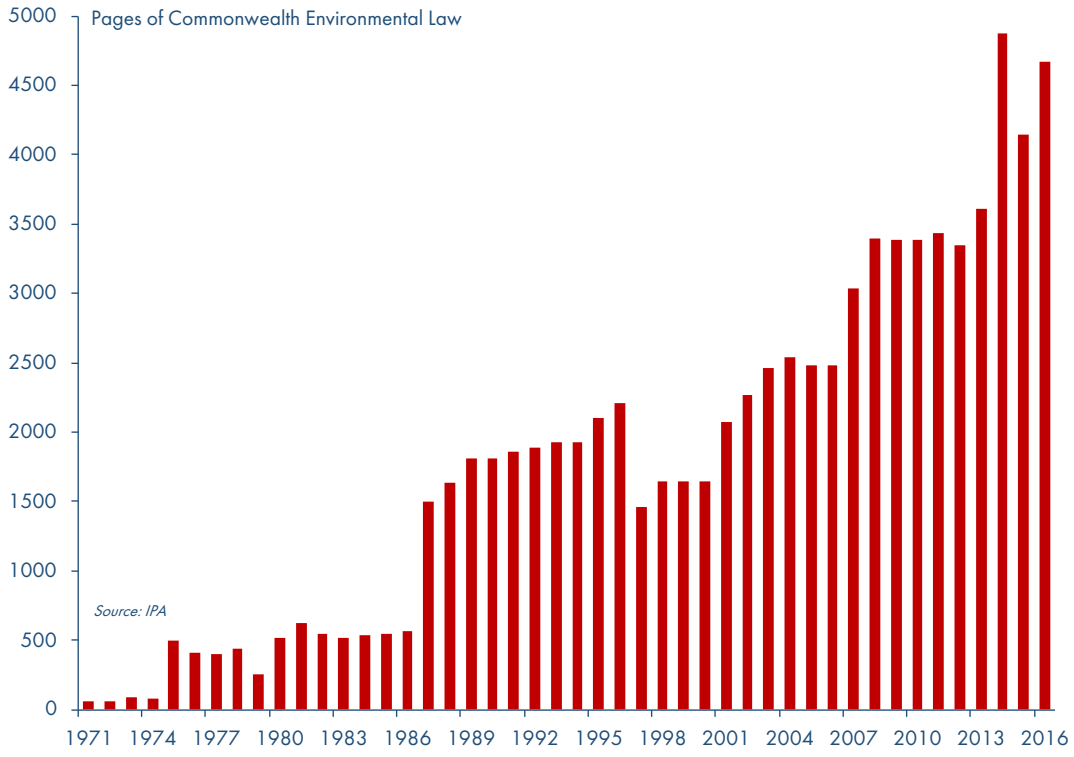
- Introduce carve-outs or exceptions from the need for referral or approval under the *EBPC Act* for land clearing activities which are considered to be of low environmental impact.
- Farmers and private landowners should be compensated on just and fair terms for the loss of productive farmland resulting from environmental regulations.
- Introduce a carve-out from the need for referrals for low-risk farming activities
- Repeal section 487, which allows green groups to engage in 'lawfare'.
- Devolve the listing of threatened species to the state level.
- Introduce a single project approvals process, akin to one stop shops.
- Abolish cost recovery.

Overview of Environmental Regulation and Red Tape

Red tape is one of the single biggest barriers to economic opportunity and prosperity in Australia. Research by the IPA estimated that red tape reduces economic output by $176 billion each year, which is approximately 10 per cent of GDP. This estimate captures all of the businesses which are never started, the jobs that are never created and, ultimately, the dreams and aspirations which are never fulfilled because of red tape and over regulation.[1] Moreover, red tape, along with high taxes and a rigid industrial relations system, is a key cause of low levels of private business investment in Australia. New private business investment in Australia is just 11.7 per cent of GDP, which is lower than the rate which prevailed during the Whitlam-era.[2]

One of the main factors contributing to the growth and size of the red tape problem in Australia is environmental regulation. Morgan Begg, research fellow at the IPA, estimated that pages of environmental law at the Commonwealth level has expanded 80-fold since the creation of the first Commonwealth environment department in 1971. Specifically, Begg found that in 1971 there was just 57 pages, compared with 4,669 pages in 2016.[3] Pages of legislation is a crude measure of the growth of regulation. Nonetheless, it provides an indication of the scale and scope of the growth of Commonwealth government involvement in environmental matters over the past four decades.

Chart 1: Cumulative Total Pages of Environmental Law has Grown Rapidly



1 Novak, Mikayla, "The $176 Billion Tax on our Prosperity", Institute of Public Affairs, Melbourne, Australia, (2016).

2 Wild, Daniel, "Business Investment now Lower than Under Whitlam", Institute of Public Affairs, Melbourne, Australia, (2018).

3 Morgan Begg, "The Growth of Federal Environmental Law: 1971 to 2016", Institute of Public Affairs, Melbourne, Australia (2017).

Recommendation 1:

The *EPBC Act* should be abolished, and management of environmental matters should be devolved to state governments

There are serious public policy reasons why the Commonwealth government should not be involved in the regulation of environmental matters, from both a legal and economic perspective.

Firstly, environmental regulation of the agricultural sector is based on the assumption that farmers and private landowners are incapable of balancing environmental conservation with productivity and developmental objectives. This is demonstrably false. Farmers and private landowners have the greatest incentive to properly care for their land as their livelihood depends on it. Moreover, many farmers have been tending to their land for generations, and have a far superior understanding of how to best manage their land compared with government officials, who are usually removed from the day-to-day practicalities of land and resources management. As the Productivity Commission acknowledged in its review of regulation of the agricultural sector:

> "Farmers, as significant landholders, play an important role as managers of the environment. They have a strong incentive to conserve the environment where doing so benefits their farming operations (for example, by maintaining or improving the productivity of the land)."[4]

Secondly, the Commonwealth's involvement in environmental matters is unconstitutional. The power of the Commonwealth government to makes laws is limited to those areas that are explicitly listed in the Australian Constitution. Matters that were not listed in the Constitution, such as health, education, and relevantly to the purposes of this submission, environmental protection, were reserved to the states to develop policies that were appropriate for each state.

There is no listed head of power under the Constitution to permit the Commonwealth government to introduce legislation directed solely at environmental protection and conservation. However, a series of decisions in the High Court of Australia beginning in the 1970, but in particular the Tasmania Dams Case of 1983, dramatically expanded the definition and scope of the external affairs power (section 51(xxxix)) to include the subject matter of any international agreement entered into by the Commonwealth government. Given the prevalence of international law which the Australian government has engaged in, this interpretation has had a drastic impact on the scope of government intervention in many areas of economic life for Australians. In particular, this has enabled the Commonwealth government to introduce the *Environment Protection and Biodiversity Conservation Act 1999*.

The Commonwealth parliament should reflect the original intentions of the drafters of the Australian Constitution and devolve to the states the responsibility for developing environmental protection policy.

4 Productivity Commission, "Regulation of Australian Agriculture", Canberra, Australia, (2017).

Thirdly, there are also substantial economic costs to Commonwealth involvement. The main costs, in the context of the agricultural sector, are the potential need for project approvals from the Commonwealth Environment Minister, and duplication with state governments. As the Productivity Commission noted:

> "Environmental regulations are complex — there are multiple pieces of legislation with many overlapping federal, state and (sometimes) local government requirements, as well as international conventions to which Australia is a signatory"[5]

Farmers wanting to clear trees on their property in order to develop their land, for example, may require approval under both state-based and Commonwealth legislation.

Project proponents require the approval of the Commonwealth Environment Minister where a project may affect a Matter of National Environmental Significance. The approvals process can be time consuming, onerous in terms of compliance costs, and create costly delays to project implementation. It may well be the case that relatively few agricultural projects require the approval of the Federal Environment Minister. According to the Productivity Commission, "[a] griculture and forestry made up just 2% of all referrals received under the *EPBC Act* from 1 January 2000 to 4 March 2013... And agricultural projects are rarely required to proceed to assessment. In the period 1999 to 2014, there were 54 agriculture-related projects referred for assessment, of which eight projects were subject to conditions."[6]

However, the low number of referrals and assessments does not imply the *EPBC Act* is not having a substantial red tape effect on the agricultural sector. Firstly, from a policy perspective, it is the expected cost of regulation – the probability of needing an assessment multiplied by the cost of assessment – that is relevant, not just the probability alone. The 54 projects which required assessment may have incurred substantial costs as a result of those assessments. Secondly, a relatively low referral rate in the past doesn't imply there will be a low referral rate in the future. And, thirdly, the prospect of requiring Ministerial approval alone is a source of red tape through precautionary action that may be taken by project proponents to avoid needing assessment, the need to remain familiar with changing rules, and the consequent risk-aversion which this invites.

It is also worth noting that the Labor Party is proposing to include a "land clearing trigger" as a Matter of National Environmental Significance.[7] This would result in the de-facto nationalisation of privately held farmland as almost every conceivable instance of land development could be subject to approval from the Federal Environmental Minister. This would see both referrals and assessments from the agricultural sector increase dramatically. The need to reform and, ideally, abolish the *EPBC Act* is all the more urgent given the prospect of the addition of this new regulation.

Commonwealth regulation of domestic environmental matters also results in overlap with state government rules and regulations. Recent research by the IPA, for example, found that 88.8% of threatened species on the federal list of species which fall under Matters of National Environmental Significance is duplicated on at least one state species protection list.[8]

5 Productivity Commission, "Regulation of Australian Agriculture", Canberra, Australia, (2017)

6 Productivity Commission, "Regulation of Australian Agriculture", Canberra, Australia, (2017)

7 Australian Labor Party, "ALP National Platform: Consultation Draft", (April 2018), pg. 68.

8 Begg, Morgan, Allen, Darcy, and Wild, Daniel, "Decentralising the Protection of Threatened Species", Institute of Public Affairs, Melbourne, Australia (2017).

Recommendation 2:

Introduce Carve-outs or Exemptions

An alternative approach to reducing red tape in the absence of abolition of the *EPBC Act* is to introduce exemptions or carve-outs from the need for referral or approval under the *EPBC Act* for farming activities which are of low environmental risk. Under current arrangements, the only way to guarantee compliance with the *EPBC Act* is through referring an action to the Federal Environment department. This requirement ignores the reality that not all land-clearing activities result in the same environmental impacts – some are of much lower risk than others, yet all are captured by the same regulatory requirements.

A modest alternative is to explicitly implement exemptions or carve-outs for activities which are considered to be of low environmental risk. This could take the form of land clearing which is below a certain amount of acreage, and/or involves low environmental value land is automatically exempt from the need for referral and possible assessment under the *EPBC Act.* This approach has support from a number of stakeholders. For example, the NSW Farmers Association stated in their submission to a Productivity Commission inquiry:

> "We submit that the *EPBC Act* needs amendment to either provide a means to certify state based low risk (self-assessable) activities, or a mechanism to ensure compliance that does not involve the referral process."[9]

The National Farmers Federation made similar observations, in stating that:

> "The current framing of the *EPBC Act* is disproportionately skewed in favour of the expensive referral system. The construct of the Act means that referral is the only way to absolutely ensure compliance with the Act."[10]

Moreover, this approach would be similar to the native vegetation management laws that were in place from 2013-2018 in Queensland. Those laws, for example, categorised agricultural land according to different levels of environmental value, which attracted different forms of regulation.[11] Under the QLD laws, there were five categories, ranging from Category A which referred to high environmental value land and attracted stringent regulation, to Category X which was completely exempt from the native vegetation framework. Any carve-outs from the *EPBC Act* could be accompanied by self-assessable codes of conduct that landowners would need to comply with on their own initiative, potentially supported by periodic, risk-based inspections by government.

9 New South Wales Farmers Association, "Response to draft 'Regulation of Australian Agriculture' Productivity Commission Report", NSW, Australia, (2016)

10 National Farmers Federation, "Response to draft 'Regulation of Australian Agriculture' Productivity Commission Report", Canberra, Australia, (2016)

11 State Development, Natural Resources, and Agricultural Development Committee, "Vegetation Management and Other Legislation Amendment Bill 2018", Queensland, Australia, (2018)

Recommendation 3:

Farmers should be compensated for the forced sterilisation of farmland, and private conservation should be encouraged

A consequence of this style of regulation is that there is a mismatch between demand and cost of implementing environmental protection rules. In other words, interest groups in the community demand rules for protecting the environment, but the cost of achieving the objectives of those regulations falls directly on private landowners and farmers. Conversely, the benefits of environmental protection rules are purportedly spread evenly across society, but the cost is not spread at all.

In effect, the government is pushing the costs of the implementation of its preferred public policy off its balance sheet and onto private citizens. This not only distorts how people understand the costs of regulation, but is an egregious undermining of private property.

An overlooked but important consideration that should inform regulators is that landowners are the best custodians of their own land. As the IPA noted in 2016:

> Property rights give owners incentive to look after what they own. Farmers know their livelihood depends on environmentally sustainable practice... Competition fostered by free markets provides power incentive for land-users to economise land use and develop more efficient and environmentally friendly technology. In the last century land used for agriculture has decreased, yet output has skyrocketed.[12]

Rather than imposing red tape on farmers, governments should secure private property ownership and encourage private conservation. This would take place where those who express concern about environmental outcomes pay for the provision of environmental amenity, such as through the voluntary acquisition of private property for conservation purposes. Alternatively, any government regulation which reduces farmland productivity in order to achieve conservation objectives should be met with adequate and just compensation to relevant land owners for forgone revenue and earnings.

12 Daniel Wild, "Tape Tangle", *The Land*, 28 July 2016, available at: http://www.ipa.org.au/news/3532/tape-tangle

Recommendation 4:

Repeal Section 487

Section 487 of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) allows environmental groups to challenge projects which have previously been approved by the federal environment minister. This has resulted in frivolous and vexatious litigation with the aim of delaying and preventing development, known as 'green lawfare'.[13]

Under the *EPBC Act,* the Commonwealth Environment Minister must approve a project where that project could affect a Matter of National Environmental Significance. The validity of that approval can be challenged in court by those who have 'legal standing'. Under traditional common law rules, legal standing is afforded to those who have been 'aggrieved' by a decision, which is typically limited to those who have a personal or proprietary stake in a matter.[14] However, under the expanded definition of 'person aggrieved' under section 487 of the *EPBC Act,* environmental groups automatically have the right to challenge the Ministerial approval of a project even if they have no direct stake in the project.

Specifically, under section 487 a person is defined as aggrieved where:

- the individual is an Australian citizen or ordinarily resident in Australia or an external Territory; and
- at any time in the 2 years immediately before the decision, failure or conduct, the individual has engaged in a series of activities in Australia or an external Territory for protection or conservation of, or research into, the environment.

Similarly, an organisation is defined as aggrieved where:

- the organisation or association is incorporated, or was otherwise established, in Australia or an external Territory;
- at any time in the 2 years immediately before the decision, failure or conduct, the organisation or association has engaged in a series of activities in Australia or an external Territory for protection or conservation of, or research into, the environment; and;
- at the time of the decision, failure or conduct, the objects or purposes of the organisation or association included protection or conservation of, or research into, the environment.

Whilst the use of this legal provision has mostly been targeted at coal projects, there is no guarantee that this will continue into the future.[15] In particular, green groups have found it politically convenient to use farmers as perceived allies in their anti-coal and anti-coal seam gas pursuits.[16] However, there is growing evidence that green groups are seeking to turn their attention to the agricultural sector. The Labor Party's proposed inclusion of a land-clearing trigger, along with changes to native vegetation laws introduced by the Queensland Labor Government,[17] evidence this direction.

13 Wild, Daniel, "Section 487: How Activists use Red Tape to Stop Development and Jobs", Institute of Public Affairs, Melbourne, Australia, (2016)

14 Commonwealth Senate, "Environment Protection and Biodiversity Conservation Amendment (Standing) Bill 2015 [Provisions]", Canberra, Australia, (2015)

15 For use of Section 487 against coal projects, see Greenpeace, "Stopping the Australian Coal Export Boom", (2012)

16 See, for example, Lock the Gate Alliance which involves environmental groups and landowners opposing coal seam gas development.

17 *Vegetation Management and Other Legislation Amendment Act 2018* (Qld).

Recommendation 5:

Devolve the Listing of Threatened Species to the State Level

One of the key challenges with the *EPBC Act* is that it has been used as a vehicle to capture an ever increasing number of projects. This is done by expanding the number of matters of national environmental significance, and expanding the specific items which constitute a MNES (i.e., through adding to the list of what is considered a threatened species). The issue with the addition of specific items is that there is no countervailing analysis of the economic effects this could have on the agricultural sector. Hence, the information-base that ministers are deciding upon is one-sided.

Research by the IPA found that:

- From 1992 to 2016 the number of threatened species of flora and fauna listed under federal environmental law in Australia increased by approximately 63 per cent.
- According to the available data, the number of species protected under state laws has also increased by varying amounts, led by Victoria (127% growth) and Queensland (102%).
- As of September 2017, 88.8% of species on the federal list is duplicated on at least one state species protection list;
- As of September 2017, each state includes a substantial number of species that are unique to those lists, contributing to regulatory uncertainty. This ranges from 40% (Western Australia) to 81% (South Australia).[18]

This listing growth holds back development and prosperity because more major projects ultimately require additional federal approval. The federal regime, in combination with the equivalent state regimes, is riddled with regulatory overlap and uncertainty. As argued by the New South Wales Farmers Association:

> "The level of variation in the state versus Commonwealth listing process, from threshold criteria requirements for determining endangered ecological communities to information dissemination, is varied and therefore confusing, not well communicated, duplicative, and not widely understood by landholders."[19]

To ameliorate these problems our main recommendation is to embrace environmental federalism and return the responsibility for listing endangered species to the states. In many cases, the endangerment of species will be focussed in some geographic areas but will be plentiful in other areas. In these cases, it is not appropriate that such species will be given a single categorisation under the federal list. For those species that are endangered more generally across Australia, state listing remains ideal, as it would enable jurisdictional competition between state protection regimes, which in the long run helps to discover the optimum trade-off between growth and environmental protection. Moreover, under this approach, one state government could still asses the species population of another state when making a decision about whether to include a listing.

It must also be acknowledged that the preservation of threatened species does not rest solely with the government. For instance, private citizens and groups can also act to achieve their personal conservation objectives through the voluntary purchase of land – that is, private conservation.

18 Begg, Morgan, Allen, Darcy, and Wild, Daniel, "Decentralising the Protection of Threatened Species", Institute of Public Affairs, Melbourne, Australia (2017)

19 New South Wales Farmers Association, "Response to draft 'Regulation of Australian Agriculture' Productivity Commission Report", NSW, Australia, (2016)

Recommendation 6:

Introduce a single project approvals process, akin to one-stop-shops

To reduce regulatory overlap, governments should pursue a single approvals process for major project development, which would be akin to 'one-stop-shops'. This would allow state governments to administer both the state and federal environmental laws, and would obviate the need for project proponents to interact with both state and federal government environmental bureaucracies.

This approach, while not changing the underlying regulatory objectives, has the potential to reduce red tape on a range of agricultural projects. The Department of Environment estimated regulatory savings to business of $426 million per year if one-stop-shops were implemented across all states.[20]

In a one-stop-shop approach, the Commonwealth Environment Minister enters into bilateral agreements with the states by:

- Identifying the state authorisation processes that may be accredited by the commonwealth minister under section 46 of the *EPBC Act*.
- Declaring that the actions in the class of actions specified in Schedule 1 do not require approval under part 9 of the *EPBC Act* for the purposes of the provisions of Part 3 of the *EPBC Act* specified in Schedule 1.

A one-stop-shop proposal was pursued, but not implemented, by the Abbott government from 2013-15.[21] While all states and territories have signed assessment bilateral agreements, the main hurdle has been the approval bilateral agreements.[22] There are two draft approvals agreements that were not finalised, with Western Australia and South Australia, which can serve as a model for agreements with the other jurisdictions.[23]

20 Commonwealth Department of Environment (2014), 'Regulatory Cost Savings Under the One-Stop Shop for Environmental Approvals', Canberra, Australia,

21 See: Hunt, Greg, Minister for the Environment, 'One-stop-shop approved by government', Media Release, 16 October 2013, available at http://www.environment.gov.au/minister/hunt/2013/pubs/mr20131016.pdf
Department of the Environment and Energy, 'One-stop-shop for environmental approvals' available at http://www.environment.gov.au/epbc/one-stop-shop

22 See http://www.environment.gov.au/epbc/one-stop-shop

23 Ibid.

Recommendation 7:

Eliminate Cost Recovery

Cost recovery is a fee charged to regulated actors for the cost of government administering that regulation. In 2014, the Commonwealth government introduced the *Environment Protection and Biodiversity Conservation Amendment (Cost Recovery) Act 2014* which allows the government to commence cost recovery arrangements for environmental assessments and some strategic assessments under the *EPBC Act*.

Under the *EPBC Act*, a person proposing to take an action that will have or is likely to have a significant impact on a matter of national environmental significance will pay for the services required to assess their application. This is consistent with the justification outlined in the Australian Government Cost Recovery Guidelines that those who create the need for regulation should incur the costs of implementing that regulation, rather than the costs being borne by the wider community.

Cost recovery is objectionable in principle: regulated actors are forced to pay for the cost of regulation which they have not voluntarily acquired. It is a perversion to assert that project proponents have created the need for regulation. Governments have created the need for regulation by introducing regulation in the first instance. Cost recovery is not a fee for a "service" but a tax. Governments should absorb the cost of regulation, not private citizens. As such, cost recovery should be abolished.

Conclusion

Red Tape is at a crisis point in Australia. Each year red tape reduces economic output by $176 billion, or around 10 per cent of GDP. Much of this red tape is concentrated in the agricultural sector and is the result of environmental regulation.

Deep, structural reform to environmental regulation in Australia is required to unlock to the potential and opportunities in the agricultural sector. To achieve this, the *EPBC Act* should be abolished, in recognition of both the unconstitutional nature of Commonwealth involvement in environmental matters, and the economic costs incurred by farmers and landowners as a result of duplication, compliance costs, and project implementation delays.

Failing this, a series of marginal changes should be made including adequate compensation of forgone farmland productivity resulting from environmental regulation, the abolition of Section 487 which enables green groups to engage in 'lawfare', the implementation of a single project approvals process to reduce regulatory duplication between state governments and the Commonwealth government, the devolution of the listing of threatened species to the state level, and the elimination of cost recovery.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