

**From:** s22  
**To:** s22  
**Subject:** FW: Update on High Value Agricultural clearing in Queensland [SEC=UNCLASSIFIED]  
**Date:** Wednesday, 23 December 2015 12:32:57 PM

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**From:** s22  
**Sent:** Wednesday, 23 December 2015 12:14 PM  
**To:** s22 s22  
**Subject:** FW: Update on High Value Agricultural clearing in Queensland [SEC=UNCLASSIFIED]

s22

Are you able to give me a call about this one?

s22

**Senior Adviser**

Office of the Hon Greg Hunt MP | Minister for the Environment

Ph: 02 6277 7920 | Mob: s22

s22 [@environment.gov.au](mailto:s22@environment.gov.au) | M140, Parliament House, Canberra, ACT 2600

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**From:** s22  
**Sent:** Wednesday, 23 December 2015 11:46 AM  
**To:** s22 t  
**Cc:** de Brouwer, Gordon; Thompson, Malcolm; Knudson, Dean; Gaddes, Shane  
**Subject:** RE: Update on High Value Agricultural clearing in Queensland [SEC=UNCLASSIFIED]

Hi s22

Would you mind sending through a copy of the letter that went out to landholders?

I've received some representations of concern from other offices about the approach. There's also a story on it (see link):

<http://www.queenslandcountrylife.com.au/story/3598561/environment-dept-bullies-landholders/?cs=4785>

Grateful a short discussion when you have a moment.

s22

s22

**Senior Adviser**

Office of the Hon Greg Hunt MP | Minister for the Environment

Ph: 02 6277 7920 | Mob: s22

s22 [@environment.gov.au](mailto:s22@environment.gov.au) | M140, Parliament House, Canberra, ACT 2600

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**From:** s22  
**Sent:** Friday, 11 December 2015 4:17 PM  
**To:** s22  
**Cc:** de Brouwer, Gordon; Thompson, Malcolm; Knudson, Dean; Gaddes, Shane  
**Subject:** Update on High Value Agricultural clearing in Queensland [SEC=UNCLASSIFIED]

s22

I am writing to provide you a brief update on land clearing matters in far North Queensland for high value agriculture.

- s22- material irrelevant to scope

- This week, letters have been sent by registered mail to forty seven of the permit holders advising them of the potential for the *Environment Protection and Biodiversity Act 1999* to apply and seeking information about the clearing. s47E(d)

- s22

We will keep you informed of further developments in due course.

s22  
Acting Assistant Secretary  
Compliance and Enforcement Branch  
Environment Standards Division  
Department of the Environment  
GPO Box 787 CANBERRA, ACT 2601  
T 02 6274 s22 F 02 6274 2966 M s22  
s22 @environment.gov.au

For information on the **Environment Protection and Biodiversity Conservation Act 1999**:  
<http://www.environment.gov.au/protection/epbc>

For information on the **Environment Protection (Sea Dumping) Act 1981**:  
<http://www.environment.gov.au/topics/marine/marine-pollution/sea-dumping/sea-dumping-act>

For information on the **Fuel Quality Standards Act 2000**:  
<http://www.environment.gov.au/topics/environment-protection/fuel-quality>

For information on the **Ozone Protection and Synthetic Greenhouse Gas Management Act 1989**:  
<http://www.environment.gov.au/protection/ozone>

*The Department acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to their elders both past and present.*

s22

**From:** Greg.Hunt.MP  
**Sent:** Friday, 8 January 2016 4:07 PM  
**To:** MinisterialCorrespondence  
**Subject:** FW: Letter to Minister for Environment  
**Attachments:** 2016 Jan - PRA - disparity in regards to northern development.pdf

**Categories:** Min Hunt Reply

ESD

**ACTION:** Min response please

**NOTES** (if required):

title over page ->

s22

**Departmental Liaison Officer |**  
Office of the Hon Greg Hunt MP  
a: M140, Parliament House, Canberra, ACT 2600  
t: (02) 6277 s22 | m: s22 | e: s22 @environment.gov.au

---

**From:** Hunt, Greg (MP) [mailto:Greg.Hunt.MP@aph.gov.au]  
**Sent:** Friday, 8 January 2016 11:10 AM  
**To:** Greg.Hunt.MP  
**Subject:** FW: Letter to Minister for Environment

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**From:** Dale Stiller s47F @bigpond.com]  
**Sent:** Friday, 8 January 2016 10:19 AM  
**To:** Hunt, Greg (MP)  
**Subject:** Letter to Minister for Environment

The Hon. Greg Hunt, MP  
Minister for the Environment  
[Greg.Hunt.MP@aph.gov.au](mailto:Greg.Hunt.MP@aph.gov.au)

Dear Minister,

Please find a letter attached to this email from Property Rights Australia (PRA) on matters that we believe requires attention to remove a disparity that is a roadblock to balanced development in northern Australia, in particular Queensland. PRA requests your urgent attention as the matters outlined in the attached letter are creating unnecessary uncertainties and stress on farmers and graziers who have already completed an exhaustive and expensive State development approval process.

We draw your attention to the last paragraph of the attached letter where PRA requests that the Department of Environment be directed to take a specific action.

The attached letter will be also sent by the postal service next week.

Property Rights Australia (PRA) was formed in 2003 to provide a strong voice for landowners with regard to property rights issues. It aims to promote fair treatment of landowners in their dealings with government,

businesses and the community. Our philosophy is that if the community (or business) wants our resource for any other purpose such as environmental protection then the community must pay fair and unsterilised value for it. Most of our members are in Queensland but we have members in all States.

Yours Faithfully,

Dale Stiller

Chairman

Property Rights Australia

Phone: (07) 4628 2173

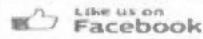
Mobile: s47F

Email: s47F@m

[www.propertyrightsaustralia.org](http://www.propertyrightsaustralia.org)  
[pral@bigpond.net.au](mailto:pral@bigpond.net.au)

Ph 07 4921 4000  
Fx 07 4927 1888

PO Box 2175  
Wandal QLD 4700



122 Denham St  
Rockhampton QLD

Office Hours: 8am-1pm  
Tuesday & Thursday

# property rights australia

Board: Dale Stiller (Chairman), Ashley McKay (Vice Chairman),  
Kerry Ladbroke (Secretary), Joanne Rea (Treasurer), Tricia Agar, Peter Jesser

The Hon. Greg Hunt, MP  
Minister for the Environment  
[Greg.Hunt.MP@aph.gov.au](mailto:Greg.Hunt.MP@aph.gov.au)

Dear Minister

We, Property Rights Australia (PRA), write to you on behalf of our membership and many cattle graziers and grain producers in North Queensland.

We wish to express our concerns at an emerging disparity between your Government's vision for the economic expansion of the north as expressed in the White Paper on developing the Northern Australia and the application of the *Environment Protection and Biodiversity Conservation Act 1999* by the Department of Environment.

An example of this can be seen in relation to the clearing of native vegetation for high value agriculture to support our livestock and grain sectors.

The forward to the white paper states:

*"The White Paper is an essential part of our plan to build a strong and prosperous economy and a safe secure Australia. We can take advantage of our strengths and our natural advantages.*

*We will fix the roads and telecommunications, build dams and deliver the **certainty that landholders and water users need.**"*

The *Environment Protection and Biodiversity Conservation Act 1999* includes as its objects

- To provide the **protection of the environment**, especially those aspects that are matters of **national environmental significance**
- To promote a **co-operative approach** to the protection and management of the environment involving governments, the community, landholders and indigenous people
- Strengthen intergovernmental co-operation and **minimise duplication**
- **Adopt and efficient and timely** environmental assessment and approval process to ensure activities that are likely to have significant impacts are properly assessed.

On first reading the two appear to be in accord.

The Queensland Government has issued over 70 development approvals pursuant to s 334 of the *Sustainable Planning Act 2009* for the clearing of native vegetation for high value agriculture. These approvals are State wide however the predominance of development is in the north.

Some of the development works have been completed, some commenced and many are in a position to commence now it has rained.

We enclose a copy of a letter (**View Attachment A below**) that was sent by the Department of Environment to each of the permit holders which is of concern to many landholders and does not appear to be in accord with the white paper or the objects of the Act.

[www.propertyrightsaustralia.org](http://www.propertyrightsaustralia.org)  
[pral@bigpond.net.au](mailto:pral@bigpond.net.au)

Ph 07 4921 4000  
Fx 07 4927 1888

PO Box 2175  
Wandal QLD 4700



122 Denham St  
Rockhampton QLD

Office Hours: 8am-1pm  
Tuesday & Thursday

Paragraph 3 of that letter states

**“A person proposing to take an action that is likely to have a significant impact on a matter of national environmental significance must refer their proposal for assessment and approval under the EPBC Act.”**

The Department of Environment has misrepresented the intent and effect of the *Environment Protection and Biodiversity Conservation Act 1999* in making this statement.

The EPBC Act S68(1) provides “ A person proposing to take an action that the person **thinks** may be or is a controlled action **must** refer the proposal to the Minister for the Minister’s decision whether or not the action is a controlled action.”

There are several steps in this process.

- S68(1) A person proposing to take an action that the person **thinks** may be or is a controlled action **must** refer the proposal to the Minister for the Minister’s decision whether or not the action is a controlled action.
- Before a person can “think” about a making a referral he must consider Section 67 and Part 3 and Part 9 of the Act and determining if a person “thinks” an action might a controlled action that person may take into account relevant information available and must act reasonably.
- If the person does not think the action is a controlled action that is contemplated by Part 3 Division 1 and Division 2 then the person need think no further and **may** refer the matter to the Minister under S68(2) but there is no obligation to do so.

The letter goes on to say in the same paragraph:

**“Substantial penalties apply to a person who takes such action without approval. An approval under the Sustainable Planning Act does not remove the need to refer under the EPBC Act if a significant impact is likely”**

This paragraph is designed to coerce the landholder into making a referral of the action for approval.

The State and the Minister have power to refer the action for approval however it would appear there is no factual or scientific basis for either to do so.

It would appear that the Department has made an assumption that every development approval granted across the State will involve a significant impact upon a matter of national environmental significance and should therefore be referred to the Minister for assessment and approval.

The Department sought information from the landholder and imposed a very short time frame in which to respond and invited the landholder to seek an extension of time.

The imposition of a time frame appears to be ultra vires the powers vested by the Act.

If a landholder applied for an extension of time they unwittingly becomes involved in process over which they have no control.

This action by the Department is of concern for the following reasons:

- It creates uncertainty for landholders who hold valid development approval
- the approvals and capital investment in equipment represent a substantial investment for landholders
- the Department is being coercive rather than cooperative
- there is duplicity in the State and the Federal approval process.

We are requesting you as a matter of urgency to review the policy that has led to this action by the Department with a view to bringing all process into line with the white paper and the objects of the Act.

**At the very least we believe a letter should be sent to all affected land holders** advising them of their obligations and responsibilities under the EPBC Act in a transparent and honest manner. In an endeavour to re-establish goodwill any letter to the affected landholders should also state that the department is withdrawing the previous letter and any engagement or extension for a landholder response that arose out of the letter be terminated because of the unnecessary uncertainties created by the letter and the coercive approach taken rather than the far preferable approach of cooperation.

We look forward to your response

s47F

.....  
Dale Stiller

Chairman, Property Rights Australia Inc.

Cc: - Prime Minister, The Hon Malcolm Turnbull

Deputy Prime Minister, Minister for Infrastructure and Regional Development, Warren Truss

Minister for Agriculture and Water Resources, Barnaby Joyce

Minister for Resources, Energy and Northern Australia, Josh Frydenberg

Member for Leichhardt, Warren Entsch

Etcetc



## Attachment A



Australian Government  
Department of the Environment

Contact Officer: Claire Kimmings  
Telephone (02) 6275 9116

Our reference: PVA  
Email: [claire.kimmings@environment.gov.au](mailto:claire.kimmings@environment.gov.au)



Dear Mr [REDACTED]

**Environment Protection and Biodiversity Conservation Act 1999**  
**Re: clearing vegetation for high-value agriculture at [REDACTED]**

I am writing to provide you with information about the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act). I understand that you hold permit [REDACTED] to clear native vegetation for High Value Agriculture purposes under section 334 of the *Sustainable Planning Act 2009* (Old). I understand that approval to clear [REDACTED] hectares of native vegetation at [REDACTED] was granted by the Queensland Department of Infrastructure, Local Government and Planning on [REDACTED] 2015.

The Department has examined a number of other permits for High Value Agriculture purposes which have been issued by the Queensland Government and is concerned that some of the approved projects have the potential to impact on matters of national environmental significance which are protected under the EPBC Act. These matters include, for example, the Great Barrier Reef World Heritage Area, nationally listed threatened species, and listed migratory species, among others. More information about the EPBC Act and matters of national environmental significance is available on the Department's website at [www.environment.gov.au](http://www.environment.gov.au).

A person proposing to take an action that is likely to have a significant impact on a matter of national environmental significance must refer their proposal for assessment and approval under the EPBC Act. Substantial penalties apply to a person who takes such an action without approval. An approval under the *Sustainable Planning Act* does not remove the need to refer under the EPBC Act if a significant impact is likely.

The Department is sympathetic to the needs of the farming community. The EPBC Act is not about preventing people from making a living on their land, nor does it apply to ongoing farming practices. My intention in writing to you today is to ascertain whether or not you have considered your potential obligations under the EPBC Act; and if not, to assist you in doing so to ensure that you do not unintentionally breach national environmental law.

Information available to the Department, and publicly available on its website, indicates that the proposed clearing has the potential to impact on protected matters. Given the potential for this action to impact on matters of national environmental significance, the Department considers that referral for formal consideration under the EPBC Act may be necessary.

property  
**rights australia**

Board: Dale Stiller (Chairman), Ashley McKay (Vice Chairman),  
Kerry Ladbroke (Secretary), Joanne Rea (Treasurer), Tricia Agar, Peter Jesser

The Department would appreciate any information you may have which demonstrates that clearing at the site has been planned to avoid significant impacts on matters of national environmental significance. This could include, for example:

- Any information you have which is relevant for determining the potential for this action to impact on matters of national environmental significance (for example any environmental reports prepared or advice received);
- Information as to whether clearing under [REDACTED] has commenced and, if so, the extent of vegetation cleared to date; and
- If clearing has not yet commenced, your intentions in relation to referral of the proposed clearing for formal consideration under the EPBC Act.

We would appreciate a response at your earliest convenience or by close of business on 23 December 2015 by email or by post to:

compliance@environment.gov.au

s22 [REDACTED];  
Compliance  
Environment Standards Division  
Department of the Environment  
GPO Box 787  
Canberra ACT 2601

Should you have any queries about the matters raised in this letter please call the contact officer, Ms s22 [REDACTED], on (02) 6275 s22 [REDACTED]. Alternatively, if you would like further information about the referral process, you may contact the Department on 1800 803 772.

Yours sincerely

**s22**

A/g Director  
Compliance Section

10 December 2015

**From:** s22 [redacted]  
**To:** s22 [redacted]  
**Cc:** s22 [redacted]  
**Subject:** FW: Engagement letter #2 [SEC=UNCLASSIFIED]  
**Date:** Friday, 24 November 2017 3:53:17 PM  
**Attachments:** [Corro 160120 template letter targetted communication.docx](#)

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**From:** s22 [redacted]  
**Sent:** Wednesday, 20 January 2016 4:10 PM  
**To:** Gaddes, Shane <Shane.Gaddes@environment.gov.au>  
**Cc:** s22 [redacted]@environment.gov.au>  
**Subject:** Engagement letter #2 [SEC=UNCLASSIFIED]

Shane

Draft letter #2 for those permit holders that have engaged with the Department.

s22 [redacted]



**Australian Government**  
**Department of the Environment**

Contact Officer: s22  
Telephone: (02) 6275 s22

Our reference: HVA  
Email s22 @environment.gov.au

[Name of approval holder]  
[Address line 1]  
[Address line 2]

Dear [salutation] [surname]

***Environment Protection and Biodiversity Conservation Act 1999***  
**Re: Vegetation clearing for high value agriculture at [location]**

**s47C**

s22  
Director  
Compliance Section

January 2016

**From:** [Writer, Simon](#)  
**To:** [Gaddes, Shane](#); s22  
**Cc:** [Tregurtha, James](#); [Knudson, Dean](#); s22  
**Subject:** Corro\_160120\_template letter targetted communication [SEC=UNCLASSIFIED]  
**Date:** Thursday, 21 January 2016 4:41:03 PM  
**Attachments:** [Corro\\_160120\\_template letter targetted communication.docx](#)

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Dear all

Further to our earlier discussion, here is a revision to the letter adjusting the tone.

Happy to discuss.

Simon

**Simon Writer**

General Counsel

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**Department of the Environment**

John Gorton Building, King Edward Terrace, Parkes ACT 2601

T 02 6274 2704 M s22

Email: [simon.writer@environment.gov.au](mailto:simon.writer@environment.gov.au)

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**Australian Government**  
**Department of the Environment**

Contact Officer: s22  
Telephone: (02) 6275s22

Our reference: HVA  
Email s22 @environment.gov.au

[Name of approval holder]  
[Address line 1]  
[Address line 2]

Dear [salutation] [surname]

***Environment Protection and Biodiversity Conservation Act 1999***  
**Re: Vegetation clearing for high value agriculture at [location]**

s47C

s22  
Director  
Compliance Section

January 2016

**From:** [Tregurtha, James](#)  
**To:** [Callister, Deb](#)  
**Subject:** FW: Clearing for High Value Agriculture [SEC=UNCLASSIFIED]  
**Date:** Thursday, 21 January 2016 1:26:18 PM  
**Attachments:** [Corro\\_160120\\_template\\_letter\\_targetted\\_communication.docx](#)  
[Corro\\_160120\\_template\\_letter\\_ongoing\\_communication.docx](#)  
**Importance:** High

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Deb,  
Qld land clearing email as discussed.  
James

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**From:** Gaddes, Shane  
**Sent:** Wednesday, 20 January 2016 4:35 PM  
**To:** s22  
**Cc:** Knudson, Dean; Tregurtha, James; de Brouwer, Gordon  
**Subject:** Clearing for High Value Agriculture [SEC=UNCLASSIFIED]  
**Importance:** High

s22

As discussed, the Department is continuing to make enquiries into 59 clearing permits that were issued by the Queensland Government in Far North Queensland.

- s22- material irrelevant to scope

- Of the 59 permits issued by the Queensland Government, there are 55 separate land holders. The Department wrote to the applicants in December to advise them of the potential for the *Environment Protection and Biodiversity Conservation Act 1999* to apply and to seek further information about the proposed clearing.

- A large grey rectangular redaction box covers the middle section of the document. The text 's22' is written in large, bold, black font across the center of this redacted area.

- 14 of the 37 remaining permit holders have not responded or have responded in a way that does not assist the Department's enquiries. The Department intends to make further contact with these 14 permit holders to seek their engagement and offering the opportunity to meet with the Department in their region. A draft letter is attached (template letter targeted communication).

# s22

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- Additional engagement letters have been drafted and will also be sent to those permit holders that are engaging with the Department (See attached template letter targeted communication).

regards

**Shane Gaddes** | Assistant Secretary | Compliance & Enforcement Branch | Ph (02)  
6274 2760 |





**Australian Government**  
**Department of the Environment**

FOI 171108  
Document 5a

Contact Officer: s22  
Telephone: (02) 6275 s22

Our reference: HVA  
Email: s22 @environment.gov.au

[Name of approval holder]  
[Address line 1]  
[Address line 2]

Dear [salutation] [surname]

***Environment Protection and Biodiversity Conservation Act 1999***  
**Re: Vegetation clearing for high value agriculture at [location]**



s22

Director  
Compliance Section

January 2016



**Australian Government**  
**Department of the Environment**

Contact Officer: s22  
Telephone: (02) 6275 s22

Our reference: HVA  
Email s22@environment.gov.au

[Name of approval holder]  
[Address line 1]  
[Address line 2]

Dear [salutation] [surname]

***Environment Protection and Biodiversity Conservation Act 1999***  
**Re: Vegetation clearing for high value agriculture at [location]**



Yours sincerely

s22  
Director  
Compliance Section

January 2016

**From:** [Gaddes, Shane](#)  
**To:** s22  
**Subject:** Corro\_160120\_template letter targetted communication [SEC=UNCLASSIFIED]  
**Date:** Thursday, 28 January 2016 3:09:05 PM  
**Attachments:** [Corro\\_160120\\_template letter targetted communication.docx](#)

---

Hi s22

Here is the latest draft letter. It's been through General Council Branch.

Regards

**Shane Gaddes** | Assistant Secretary | Compliance & Enforcement Branch | Ph (02)  
6274 2760 |



**Australian Government**  
**Department of the Environment**

Contact Officer: s22  
Telephone: (02) 6275s22

Our reference: HVA  
Email s22 @environment.gov.au

[Name of approval holder]  
[Address line 1]  
[Address line 2]

Dear [salutation] [surname]

***Environment Protection and Biodiversity Conservation Act 1999***  
**Re: Vegetation clearing for high value agriculture at [location]**



Yours sincerely

s22  
Director  
Compliance Section

January 2016

**From:** [Tregurtha, James](#)  
**To:** [Gaddes, Shane](#)  
**Subject:** RE: Comments on letter [SEC=UNCLASSIFIED]  
**Date:** Tuesday, 2 February 2016 1:07:57 PM

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Hi Shane,

At first glance these letters look OK to me. I will leave this to you to review and respond to but am happy to discuss/engage if needed.

Thanks

James

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**From:** s22  
**Sent:** Tuesday, 2 February 2016 12:56 PM  
**To:** Gaddes, Shane  
**Cc:** Tregurtha, James; Knudson, Dean  
**Subject:** Comments on letter [SEC=UNCLASSIFIED]

Hi Shane,

Attached is a revised letter. What are your thoughts on sending one version to the 10 landholders that are unresponsive and a slightly different letter to the 26 that have engaged and are working through issues with the Dept (also attached)?

Cheers,

s22

**Assistant Adviser**

Office of the Hon Greg Hunt MP | Minister for the Environment

Ph: 02 6277 s22 | Mob s22

s22 [@environment.gov.au](mailto:s22@environment.gov.au) | M140, Parliament House, Canberra, ACT 2600

 Please consider the environment before printing this email

**From:** [Gaddes, Shane](#)  
**To:** s22  
**Cc:** s22; [Tregurtha, James](#); [Papps, David](#); [Writer, Simon](#)  
**Subject:** RE: Response to landowners\_engaged.docx [DLM=Sensitive:Legal]  
**Date:** Wednesday, 3 February 2016 3:17:52 PM  
**Attachments:** [Corro\\_160120\\_template letter inc PRA response.docx](#)

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H s22

Attached is the letter referred to in my last email. This contains the additional clarification about the application of the Act (sixth paragraph). My officers will call these landholders to provide clarification in person.

regards

**Shane Gaddes** | Assistant Secretary | Compliance & Enforcement Branch | Ph (02)  
6274 2760 |

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**From:** Gaddes, Shane  
**Sent:** Wednesday, 3 February 2016 1:50 PM  
**To:** s22  
**Cc:** s22; Tregurtha, James; Papps, David; Writer, Simon  
**Subject:** FW: Response to landowners\_engaged.docx [DLM=Sensitive:Legal]

s22

Attached are the revised letters, we have adjusted them slightly to clarify some of the legal issues around challenges by third parties or intervention by the Qld Govt.

Please get back to me asap as I am off to Sydney at 4pm and I understand you want the letters signed today.

s47C

regards

**Shane Gaddes** | Assistant Secretary | Compliance & Enforcement Branch | Ph (02)  
6274 2760 |

---

**From:** Writer, Simon  
**Sent:** Wednesday, 3 February 2016 1:22 PM  
**To:** s22  
**Cc:** Gaddes, Shane; s22  
**Subject:** Response to landowners\_engaged.docx [DLM=Sensitive:Legal]

Dear s22

As discussed, some changes from me – these are mainly directed to issues of tone.

Simon

## **Simon Writer**

General Counsel

---

### **Department of the Environment**

John Gorton Building, King Edward Terrace, Parkes ACT 2601

T 02 6274 2704 M s22

Email: [simon.writer@environment.gov.au](mailto:simon.writer@environment.gov.au)

Note: The contents of any legal advice provided by the General Counsel Branch is subject to legal professional privilege. Do not disclose the contents of any such legal advice more broadly within the Department (i.e. outside the scope of persons to whom the legal advice is (or was) directed), via the intranet or outside the Department without first consulting the General Counsel Branch.





**Australian Government**  
**Department of the Environment**

Contact Officer: §22  
Telephone: (02) 6275 §22

Our reference: HVA  
Email: §22 @environment.gov.au

[Name of approval holder]  
[Address line 1]  
[Address line 2]

Dear [salutation] [surname]

***Environment Protection and Biodiversity Conservation Act 1999***  
**Re: Vegetation clearing for high value agriculture at [location]**

**s47C**

s47C

Yours sincerely

Shane Gaddes  
Assistant Secretary  
Environment Standards Division

[January-February](#) 2016

**From:** s22  
**To:** s22  
**Subject:** FW: Final templates of stakeholder engagement letter for HVA [SEC=UNCLASSIFIED]  
**Date:** Friday, 24 November 2017 3:00:29 PM  
**Attachments:** [Corro\\_160205 stakeholder engagement letter - non-responders.docx](#)  
[Corro\\_160205 stakeholder engagement letter - engaged stakeholders.docx](#)

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**From:** s22  
**Sent:** Friday, 5 February 2016 3:01 PM  
**To:** s22 @environment.gov.au>  
**Cc:** s22 @environment.gov.au>  
**Subject:** Final templates of stakeholder engagement letter for HVA [SEC=UNCLASSIFIED]

Templates used to generate the letters signed today by s22 .

Two versions – one for use where the HVA permit holder has contacted us; one for use where the permit holder has not responded to the previous correspondence from the department.

s22

Senior Compliance Officer  
Compliance  
Environment Standards Division  
Department of the Environment  
GPO Box 787 CANBERRA, ACT 2601

T 02 s22  
s22 @environment.gov.au



Contact Officer: §22  
Telephone: (02) 6275§22

Our reference: HVA  
Email: §22 @environment.gov.au

[Name of approval holder]  
[Address line 1]  
[Address line 2]

Dear [salutation] [surname]

***Environment Protection and Biodiversity Conservation Act 1999***  
**Re: Vegetation clearing for high value agriculture at [location]**

Further to our letter of [date], I am writing to reassure you that the Department of the Environment is seeking to assist you in understanding national environment law and how it relates to your property. I deeply regret that our previous letter caused you any distress.

The Australian Government values Australia's productive and sustainable agricultural sector and is working hard to develop further opportunities in Far North Queensland.

Our letter was triggered by information provided by the Queensland Government indicating that clearing permits that were issued under Queensland law may not have been considered under the *Environment Protection and Biodiversity Conservation Act 1999*, our national environmental law.

Having been informed of this issue by the Queensland Government, we were obliged to address it in accordance with the Act. In the absence of a national environmental approval, the Act also allows third parties, such as conservation groups, to take legal action to stop you from taking the action authorised by the Queensland Government permit.

Our intention is to assist you understanding how you can comply with our national environmental law, both to avoid breaches and potential legal action by other parties that you have failed to comply.

This can be easily resolved by the Department working with you to clarify whether the Act applies to you and the particular circumstances relating to your permit. Only clearing that is likely to have a significant impact on a matter of national environment significance requires approval. Matters of national environment significance include nationally threatened species and ecological communities, the Great Barrier Reef and internationally significant wetlands.

The Department is available to assist you with determining whether the Act applies to you. With the assistance of landholders, we have been able to confirm that 18 high value agriculture actions so far do not require referral under the Act.

You are not obliged to provide information or a response to this letter. However, if you take action without the necessary Australian Government authorisation, you could potentially be in breach of national environment law.

The Department would like the opportunity to meet with you to discuss any concerns that you may have regarding the Act and how it applies to you. Colleagues and I will be available to visit from 22 February 2016.

We are keen to ensure, at the Minister's direct request, that all assistance is provided to ensure you are able to continue your business as soon as possible, in accordance with the law.

If you would like to meet with me, please respond to s22 [REDACTED] on (02) 6275 s22 [REDACTED] or by email to s22 [REDACTED] [@environment.gov.au](mailto:s22[REDACTED]@environment.gov.au).

Yours sincerely

Shane Gaddes  
Assistant Secretary  
Environment Standards Division

February 2016



Contact Officer: §22  
Telephone: (02) 6275 §22

Our reference: HVA  
Email §22 @environment.gov.au

[Name of approval holder]  
[Address line 1]  
[Address line 2]

Dear [salutation] [surname]

***Environment Protection and Biodiversity Conservation Act 1999***  
**Re: Vegetation clearing for high value agriculture at [location]**

Further to our letter of [date], I am writing to clarify your obligations under national environment law. I deeply regret if our previous letter caused any distress and I thank you for your response and engagement with the Department on this issue.

The Australian Government values Australia's productive and sustainable agricultural sector and is working hard to develop further opportunities in Far North Queensland.

Our letter was triggered by information provided by the Queensland Government indicating that clearing permits that were issued under Queensland law may not have been considered under the *Environment Protection and Biodiversity Conservation Act 1999*, our national environmental law.

Having been informed of this issue by the Queensland Government, we were obliged to address it in accordance with the Act. In the absence of a national environmental approval, the Act also allows third parties, such as conservation groups, to take legal action to stop you from taking the action authorised by the Queensland Government permit.

Our intention is to assist you understanding how you can comply with our national environmental law, both to avoid breaches and potential legal action by other parties that you have failed to comply.

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Yours sincerely

Shane Gaddes  
Assistant Secretary  
Environment Standards Division

February 2016

**From:** [Gaddes, Shane](#)  
**To:** [Thompson, Malcolm](#)  
**Subject:** FW: Corro\_160120\_template letter targetted communication CK [SEC=UNCLASSIFIED]  
**Date:** Friday, 5 February 2016 9:52:32 AM  
**Attachments:** [Corro\\_160120\\_template letter targetted communication CK.docx](#)

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The letter as discussed. I will also send you the letter we sent out.

Sent with Good (www.good.com)

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**From:** s22  
**Sent:** Wednesday, 3 February 2016 11:14:42 PM  
**To:** Tregurtha, James; Gaddes, Shane  
**Subject:** Corro\_160120\_template letter targetted communication CK [SEC=UNCLASSIFIED]

Hi Shane and James,

One minor comment on the letter. Can we please discuss before any letters are sent.

Thanks,

s22





Contact Officer: §22  
Telephone: (02) 6275 §22

Our reference: HVA  
Email: §22 @environment.gov.au

[Name of approval holder]  
[Address line 1]  
[Address line 2]

Dear [salutation] [surname]

***Environment Protection and Biodiversity Conservation Act 1999***  
**Re: Vegetation clearing for high value agriculture at [location]**

Further to our letter of [date], I am writing to reassure you that the Department of the Environment is seeking to assist you in understanding national environment law and how it relates to your property. I deeply regret that our previous letter caused you any distress.

The Australian Government values Australia's productive and sustainable agricultural sector and is working hard to develop further opportunities in Far North Queensland.

Our letter was triggered by information provided by the Queensland Government indicating that clearing permits that were issued under Queensland law may not have been considered under the *Environment Protection and Biodiversity Conservation Act 1999*, our national environmental law.

Having been informed of this issue by the Queensland Government, we were obliged to address it in accordance with the Act. In the absence of a national environmental approval, the Act also allows third parties, such as conservation groups, to take legal action to stop you from taking the action authorised by the Queensland Government permit.

Our intention is to assist you understanding how you can comply with our national environmental law, both to avoid breaches and ~~claims-potential legal action~~ by other parties that you have failed to comply.

This can be easily resolved by the Department working with you to clarify whether the Act applies to you and the particular circumstances relating to your permit. Only clearing that is likely to have a significant impact on a matter of national environment significance requires approval. Matters of national environment significance include nationally threatened species and ecological communities, the Great Barrier Reef and internationally significant wetlands.

The Department is available to assist you with determining whether the Act applies to you. With the assistance of landholders, we have been able to confirm that 18 high value agriculture actions so far do not require referral under the Act.

You are not obliged to provide information or a response to this letter. However, if you take action without the necessary Australian Government authorisation, you could potentially be in breach of national environment law.

The Department would like the opportunity to meet with you to discuss any concerns that you may have regarding the Act and how it applies to you. Colleagues and I will be available to visit from 22 February 2016.

We are keen to ensure, at the Minister's direct request, that all assistance is provided to ensure you are able to continue your business as soon as possible, in accordance with the law.

If you would like to meet with me, please respond to s22 [REDACTED] on (02) 6275 s22 [REDACTED] or by email to s22 [REDACTED] [@environment.gov.au](mailto:s22[REDACTED]@environment.gov.au).

Yours sincerely

Shane Gaddes  
Assistant Secretary  
Environment Standards Division

February 2016

**From:** s22  
**To:** [Gaddes, Shane](#)  
**Cc:** s22  
**Subject:** FW: Land clearing SEB and supporting docs [SEC=UNCLASSIFIED]  
**Date:**  
**Attachments:**

s22

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s22- material irrelevant to scope

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**From:** s22  
**Sent:** Friday, 5 February 2016 11:49 AM  
**To:** s22  
**Cc:** Gaddes, Shane; Tregurtha, James  
**Subject:** Land clearing SEB and supporting docs [SEC=UNCLASSIFIED]

s22

s22

The Secretary also asked for copies of letters to land owners which were to be sent this week, final clearance has not been received on these letters, I'll forward these once they have been finalised.

s22

Director

Compliance Monitoring Section  
Compliance and Enforcement Branch

Department of Environment  
GPO Box 787  
CANBERRA ACT 2601

Ph: 02 6275 s22 Fax: 02 6274 1607

[www.environment.gov.au](http://www.environment.gov.au)

Description: frog email





**The Hon Greg Hunt MP**  
**Minister for the Environment**

MC16-000433

Mr Dale Stiller  
Chairman  
Property Rights Australia  
PO Box 2175  
WANDAL QLD 4700

4 FEB 2016

Dear Mr Stiller

I refer to your letter of 8 January 2016 concerning application of the *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act) in relation to clearing permits issued by the Queensland Government. Thank you for your engagement on this issue, and for representing the concerns of cattle graziers and grain producers in North Queensland.

The Australian Government values Australia's productive and sustainable agricultural sector and is working hard to develop further opportunities in North Queensland. I would like to reassure you that the Department of the Environment is seeking to assist landholders in understanding national environmental law and how it relates to their property. I deeply regret if the Department's letter caused any distress.

The letter was triggered by information provided by the Queensland Government and non-government organisations indicating that clearing permits that were issued under Queensland law may not have been considered under the EPBC Act, our national environment law.

We were therefore obligated to respond to this information in accordance with the law. Otherwise there was the potential risk that either the Queensland Government or a non-government organisation could take legal action to stop landholders from taking the action authorised by the Queensland Government permit. The most appropriate action to protect landholders from this risk is to ensure the requirements of national environment law have been appropriately considered.

There is no obligation for any landholder to respond to the Department and provide information. However, if action is taken without the necessary Australian Government authorisation, there is a potential for landholders to be in breach of the EPBC Act.

The EPBC Act only applies to landholders proposing clearing that is likely to have a significant impact on a matter of national environmental significance. The Department has engaged with many of the affected landholders and has been able to confirm with 18 landholders that they do not require approval under the EPBC Act. These landholders are now able to proceed with clearing.

In response to concerns raised by you, Senator O'Sullivan, Senator Canavan and The Hon Warren Entsch MP, the Department of the Environment has written to affected landholders clarifying their obligations and the intent of the first letter.


Additionally, I have asked the Department to meet with landholders and provide any required assistance so they are able to continue with their business as soon as possible, in accordance with the law.

We are also seeking to address duplication between Queensland Government and Australian Government approvals through establishing a One-Stop Shop for environmental approvals. This would remove the bureaucratic double handling that occurs when the Queensland Government issues permits but ignores national environment law.

Unfortunately the current Queensland Government is refusing to sign up to One-Stop Shop and Labor and the Greens are blocking enabling legislation in the Federal Senate, but we will continue to pursue this policy.

If you would like to discuss this further, I would encourage you to contact my adviser s22 s22 on (02) 6277 s22 or s22 @environment.gov.au.

Yours sincerely



Greg Hunt



Contact Officer: s22  
Telephone: (02) 6275 s22

Our reference: HVA  
Email: s22@environment.gov.au

s47F

Dear s47F

***Environment Protection and Biodiversity Conservation Act 1999***  
**Re: Vegetation clearing for high value agriculture at s47F**

Further to our letter of 6 January 2016, I am writing to clarify your obligations under national environment law. I deeply regret if our previous letter caused any distress and I thank you for your response and engagement with the Department on this issue.

The Australian Government values Australia's productive and sustainable agricultural sector and is working hard to develop further opportunities in Far North Queensland.

Our letter was triggered by information provided by the Queensland Government indicating that clearing permits that were issued under Queensland law may not have been considered under the *Environment Protection and Biodiversity Conservation Act 1999*, our national environmental law.

Having been informed of this issue by the Queensland Government, we were obliged to address it in accordance with the Act. In the absence of a national environmental approval, the Act also allows third parties, such as conservation groups, to take legal action to stop you from taking the action authorised by the Queensland Government permit.

Our intention is to assist you understanding how you can comply with our national environmental law, both to avoid breaches and potential legal action by other parties that you have failed to comply.

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You are not obliged to provide information or a response to this letter. However, if you take action without the necessary Australian Government authorisation, you could potentially be in breach of national environment law.



The Department would like the opportunity to meet with you to discuss any concerns that you may have regarding the Act and how it applies to you. Colleagues and I will be available to visit from 22 February 2016.

We are keen to ensure, at the Minister's direct request, that all assistance is provided to ensure you are able to continue your business as soon as possible, in accordance with the law.

If you would like to meet with me, please respond to s22 on (02) s22 or by email to s22@environment.gov.au.

Yours sincerely



Shane Gaddes  
Assistant Secretary  
Environment Standards Division

5 February 2016





Contact Officer: s22  
Telephone: (02) s22

Our reference: HVA  
Email s22@environment.gov.au

s47F

Dear s47F

***Environment Protection and Biodiversity Conservation Act 1999***  
**Re: Vegetation clearing for high value agriculture at s47F**

Further to our letter of 17 December 2015, I am writing to reassure you that the Department of the Environment is seeking to assist you in understanding national environment law and how it relates to your property. I deeply regret that our previous letter caused you any distress.

The Australian Government values Australia's productive and sustainable agricultural sector and is working hard to develop further opportunities in Far North Queensland.

Our letter was triggered by information provided by the Queensland Government indicating that clearing permits that were issued under Queensland law may not have been considered under the *Environment Protection and Biodiversity Conservation Act 1999*, our national environmental law.

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Yours sincerely



Shane Gaddes

Assistant Secretary

Environment Standards Division

5 February 2016