

From: s22
To:
Cc:
Subject: RE: Action [SEC=UNCLASSIFIED]
Date: Friday, 19 August 2016 10:13:24 AM

Hi s22

I'm setting up a meeting brief for **24 August 10:30am: Dept & Qld Colleagues (Entsch & O'Sullivan) re Landclearing**

This will come through shortly in PDMS.

s22

Hope that helps!

s22
Departmental Liaison Officer
Office of the Hon Josh Frydenberg MP | Minister for the Environment and Energy
Ph: 02 6277 7920 | s22
@environment.gov.au | Parliament House, Canberra, ACT 2600

From: s22
Sent: Friday, 19 August 2016 9:41 AM
To: s22
Subject: FW: Action [SEC=UNCLASSIFIED]

Hi s22

Please see attached request for Minister's briefing.

Thanks,

s22

Compliance and Enforcement Branch
Department of the Environment and Energy
GPO Box 787 CANBERRA, ACT 2601
T 02 6274 s22
@environment.gov.au

From: s22
Sent: Monday, 15 August 2016 10:24 AM
To: s22
Cc: s22 Gaddes, Shane
Subject: Action [SEC=UNCLASSIFIED]

Hi s22

Please see email below from Matt, could you please action in s22 absence please.
I have attached the brief Matt refers to in the attached email.

Please contact me if you have any questions.

Kind regards

s22

Executive Officer to Matt Cahill
First Assistant Secretary
Environment Standards Division
Department of the Environment and Energy
02 6274 s22
@environment.gov.au
GPO Box 787 Canberra ACT 2601

From: Cahill, Matt
Sent: Monday, 15 August 2016 9:34 AM
To: s22
Cc: s22; Gaddes, Shane; s22
Subject: FW: [SEC=UNCLASSIFIED]

s22

Fyi

Will need a meeting brief prepared well in advance. Both dean and I will be attending. Suggest you liaise with Brad on emissions

Matt Cahill
First Assistant Secretary
Environment Standards Division
Department of the Environment and Energy
GPO Box 787 Canberra ACT 2601
Tel: 02 6274 1077 Mob: s22

From: de Brouwer, Gordon
Sent: Sunday, 14 August 2016 8:42 PM
To: Knudson, Dean; Cahill, Matt
Cc: Sullivan, Sean; Thompson, Malcolm
Subject: [SEC=UNCLASSIFIED]

Dean and Matt

Minister rang tonight to talk about a couple of matters.

1. Land clearing. Has set up talks with LNP (O'Sullivan, Entesch and Canavan's office) for 24 August to discuss ins and outs of land clearing. s22
Wants me and you (one or both?) there as well.

Needs briefing.

s22

3. Wants to better understand impact of land clearing on emissions. Just a heads up, so that you're in the loop with Rhondda and Brad.

s22

s22

Happy to discuss on Monday.

Cheers

Gordon

Sent with Good (www.good.com)

s22

From: Cahill, Matt
Sent: Friday, 2 September 2016 4:17 PM
To: Knudson, Dean
Cc: s22
Subject: Draft Record of phone meeting Senator OSullivan and DotEE 02 Sept 2016 [DLM=Sensitive:Legal]
Attachments: Record of phone meeting Senator OSullivan and DotEE 02 Sept 2016 (2).docx

Dean

Draft notes for comment

Regards
Matt

RECORD OF PHONE MEETING –MINISTER O’SULLIVAN

Location: Deputy Knudson office, 51 A level 5

Date: 02 September 2016, approx 11am

Who attended;

Senator Barry O’Sullivan, Senator for Queensland

Mr Dean Knudson (Deputy Secretary), Mr Matt Cahill (First Assistant Secretary) of the Department of the Environment and Energy

Key points discussed:

- Mr Knudson outlined that the Department has sufficient information to make a potential “controlled action” decision on Kingsvale.
 - We would need more information to inform a potential “not controlled action if undertaken in a particular manner” decision.
 - Our experience is that this additional survey work and report could be completed in around 2-3 weeks. Mr Cahill outlined that up to one and half weeks of that was in the field.
- Senator O’Sullivan outlined his views including that more than enough studies have been done and no extra work was necessary. He would be advising his constituent, enough, and that they should let it be a controlled action so that the courts could resolve.
- Mr Knudson and Mr Cahill explained the alternative path involving additional information early would allow for consideration of a NACPM. This extra information would involve engagement, survey work focussed on a different question and understanding plans. It would allow for consideration of buffers etc. Subject to this work, this has the potential for much quicker resolution.
- The Senator said he would be talking with the Minister later today, the lawyer for Kingsvale and indicated he would have phone hook-up with land holders more generally in Far North Queensland in coming days to express his views.

Note taker: Matt Cahill, First Assistant Secretary, mobile phone s22

Subject: Minister O'Sullivan- Briefing FNQ
Location: APH

Start: Tue 11/10/2016 4:00 PM
End: Tue 11/10/2016 4:30 PM

Recurrence: (none)

Organizer: Cahill, Matt

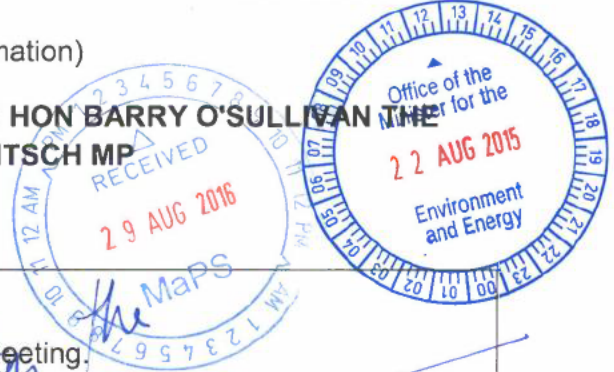
Categories: Minister's office

Copy to: **To: Minister for the Environment and Energy (For Information)**

Secretary
Mr Thompson
Dr Dickson
Mr Knudson
Mr Heferen
Ms Goodwin
Mr Sullivan

LAND CLEARING - MEETING WITH SENATORS THE HON BARRY O'SULLIVAN THE HON IAN MACDONALD AND THE HON WARREN ENTSCH MP

Timing: For meeting on 24 August 2016



Chief of Staff
s22

Recommendation:

1. That you note the contents in preparation for your meeting.

Minister:

*Thank you.
Minister attended the meeting along with Secretary.*

Noted / Please discuss

Date:

Clearing Officer: on 19/08/16	Paul Simonsson	Al/g Assistant Secretary, Compliance and Enforcement Branch	Ph: 02 6274 1267 Mob: s22
Contact Officer:	s22	Director, Compliance Section, Compliance and Enforcement Branch	Ph: s22 Mob: s22

Meeting with: The Hon Barry O'Sullivan, Hon Ian MacDonald Senator's for Queensland; and the Hon Warren Entsch, MP.

Prior meetings: Nil

Proposed note taker: Matt Cahill

What we want:

We would seek to explain our role to Senator O'Sullivan and Mr Entsch and demonstrate that our intervention with a small number of permit holders is reasonable and consistent with the objects of the *Environment Protection and Biodiversity Conservation Act 1999*.

General talking points about the Department's approach are provided at **Attachment A**.

Talking points about the need to intervene to reduce impacts to the Great Barrier Reef are provided at **Attachment B**.

What they want:

Senator's O'Sullivan, MacDonald and Mr Entsch have publicly expressed concerns about the Department's compliance activities in North Queensland, in particular the perceived duplication with state regulation and over-reaching by the Commonwealth. Senator O'Sullivan was quoted in The Australian in January 2016:

"I can't believe that we are so incompetent either at the Queensland government level or the federal government level that we would issue permits at a state level that would appear to give the landholder lawful rights only to put them at risk with the EPBC Act".

“If this is an example of how we’re going to go about developing northern Australia, then it is going to have a negative impact on investment confidence.”

Senator MacDonald was quoted in The Guardian on 11 August 2016:

“I’ve heard reports of the Commonwealth Department of Environment pursuing substantial landholders who have been clearing exactly in accordance with permits granted by the Queensland government ... I would be very concerned if a commonwealth department was using its powers to override carefully assessed permits given by the Queensland government”.

Mr Entsch was quoted in The Australian on 13 August 2016:

“I have already contacted the Environment Minister about this to ask what the bloody hell is going ... The environmental bureaucrats in the department are not dealing in facts, they are dealing in agendas. You can’t get development in these areas without land clearing.”

Issues and Sensitivities:

1. At Senate Estimates hearings in early 2016, Senator Canavan and Senator O’Sullivan were critical of the Department’s engagement with permit holders. The Department has significantly improved its engagement with landholders since that time. Talking points outlining our new approach are provided at **Attachment C**.
2. The Queensland Government is currently proposing changes to legislation that would prohibit broad scale land clearing. This is a matter for the Queensland Parliament.
 - The proposed changes have no bearing.
3. The Department is committed to sustainable development in Northern Australia. In March 2016, officers from the regulatory division of the Department of the Environment and Energy met with the representatives of the Office of Northern Australia, to discuss the opportunities arising from the White Paper on Developing Northern Australia and where their interests and responsibilities may intersect.
 - Discussions included the identification of prospective focal areas for development in northern Australia, the intended scope and timeline for the operation of the Northern Australia Infrastructure Fund and the sharing of resources and information regarding state and territory government development priorities.
4. Notwithstanding the early stages of many of the areas of inquiry in northern Australia, we remain ready to engage in discussions on where the application of strategic approaches to regulatory requirements may support sustainable development in the north.
5. While not directly related to the regulatory requirements under the Act, the Department also has interests in broad scale clearing through the Emissions Reduction Fund. Further detail is provided at **Attachment D**.

Consultation: Office of Northern Australia, Department of Industry, Innovation and Science, Domestic Emissions Reduction Division

Attachments

- A:** Regulatory response to Land Clearing
- B:** Improved engagement approach with landowners
- C:** Kingvale Station’s ability to impact the Great Barrier Reef
- D:** Emissions Reduction Fund

Talking Points

Regulatory response to land clearing

- We have a responsibility to protect “matters of national environmental significance”, such as endangered species or the Great Barrier Reef. This role is set out in the *Environment Protection and Biodiversity Conservation Act 1999*.
- For endangered species, significant impacts can occur due to the loss of their habitat from broad scale land clearing.
- For the Great Barrier Reef, land clearing and changes to agriculture practices can result in poor water quality from increased sediment and fertilizer nutrient runoff into the Reef.
- In general, the States regulate land clearing. But, in some cases, broad scale land clearing can have an impact on a species or the Reef.
- In 2014 and 2015, the Queensland government granted 59 permits to 54 permit holders to clear about 112,000 hectares for agricultural development.
- For several months, the Department has been working with 54 permit holders to make sure that broad scale land clearing would not impact on endangered species or the Reef.
- Most of the 54 permit holders have engaged constructively with the Department:
 - 41 permit holders have been advised that no approval under the EPBC Act is required.
 - 3 permit holders may require approval under the Act, and have been advised, two have accepted this advice and are engaging with the Department.
 - One permit holder, Kingvale Station, has been formally deemed as referred under the Act so that a formal assessment can be undertaken.
 - : The land clearing that was underway on Kingvale Station would likely lead to a direct increase in sediment and fertiliser nutrients runoff, flowing into a river on the property that connects to the Reef.
 - : This action was taken urgently by the Department because of:
 - the potential direct impact on the Reef
 - satellite imagery showing that the clearing was underway
 - a consistent refusal by the landowner and his lawyer to engage with the department constructively
- The Department is taking appropriate action for the remaining 9 permit holders on a case by case basis.

Improved engagement approach with landowners

- In January 2016 we were advised that our correspondence was causing concern for permit holders. We immediately wrote a letter clarifying our role and offering to meet with interested permit holders in regional areas of Queensland.
- Desktop assessments are not always sufficient to form a view on whether the Act applies to land clearing and on ground surveys can be necessary to determine likely impacts on matters of national environmental significance. It is the proponent's responsibility to undertake these surveys.
- To reduce the burden on permit holders, we have paid for ecologists to provide them independent advice. Feedback from those that have taken up this offer has been very positive. The letter offering this service to landholders is provided at **Attachment C1**.
- Over several months, the Department has also been working closely with key agricultural industry associations to connect with permit holders. For example, AgForce recently issued a 'member alert' to encourage their members to engage with the Department. See **Attachment C2**.
- Recognising the importance of a constructive engagement with the agriculture sector, the Department has recently established a consultative committee with the National Farmers' Federation.
- This committee will build understanding between the Department and the agricultural sector with a view to balancing protection of the environment with the needs of the sector.

Kingvale Station's ability to impact the Great Barrier Reef

- The 2014 Great Barrier Reef Report Card, released in September 2015, shows we need to accelerate improvements in water quality in order to meet our water quality targets under the Reef 2050 Plan.
- The Great Barrier Reef is protected both for its natural and world heritage values under national environmental law.
- The Reef 2050 Plan was developed by the Australian and Queensland governments with input from scientists, communities, Traditional Owners, industry and non-government organisations. It sets clear priorities and targets for actions required to reduce cumulative pressures on the Reef.
- The soils at Kingvale Station are erodible and require significant inputs of fertiliser to support agriculture.
- The expert report shows that the proposed clearing can increase erosion and sedimentation to the reef.
- More than 90 per cent of the sediment load into the Normanby River is derived from anthropogenic gully and channel erosion.
- Suspended solids from erosion are highly mobile, with around 62 percent of total suspended sediment load exported from the Normanby system into the reef.
- A satellite image of the sediment plume from the Normanby Catchment is at figure 1 below.



Figure 1 - Sediment plume from Normanby catchment following heavy rainfall

Talking Points – Emissions Reduction Fund

- The \$2.55 billion Emissions Reduction Fund is voluntary. It provides revenue for farmers through activities such as not clearing land or managing livestock more efficiently. It does not regulate land clearing.
- For example, farmers can elect to revegetate more marginal parts of their land or avoid clearing.
 - Farmers invest the income into improvements such as new fences, helping them manage livestock and feral animals.
- Farmers can also choose to reduce emissions from beef cattle, which boosts productivity.
 - For example, farmers could invest in new watering points or pasture improvement so cattle reach their market weight earlier, and meet the costs through earning carbon credits for reducing emissions.
- These opportunities for farmers would be lost without the Fund.
- The Fund is delivering benefits to farmers and Indigenous communities.
 - The Government has purchased 143 million tonnes of emissions reductions at an average price of \$12.10 per tonne.
 - Most abatement purchased is in the land sector. About \$1.4 billion has been contracted to land sector projects, mostly in New South Wales and Queensland.
 - In 2016 the Australian Farm Institute estimated land sector income from the first two auctions is **\$123 million a year**. This places income to farmers from carbon credits **above income from growing corn and soybeans**^[1].
 - The Fund provides new employment opportunities for regional communities and helps Indigenous communities to continue working and living on their land.
 - A fourth auction has just been announced for November.
- The Fund has contracted a total of 348 projects, and 112 of these are in Queensland.
 - 92 of the Queensland projects are in the land sector, with a total value of about \$720 million.

The projects include reducing intensity of annual burning in the north, regenerating native vegetation, making efficiency improvements in beef cattle herds, capturing methane from piggery waste and improving soil carbon levels on grazing properties.

[1] <http://www.farminstitute.org.au/ag-forum/the-farm-commodity-abares-forgot>



Contact Officer: [REDACTED]
Telephone: [REDACTED]

Our reference: [REDACTED]

[REDACTED]

[REDACTED]

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

Further to our letter of 10 December 2015, 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.

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. With the information you provide, I am hopeful to be able to resolve your situation shortly.

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 [REDACTED] or by email [REDACTED].

Yours sincerely

[REDACTED]

Assistant Secretary
Environment Standards Division

5 February 2016

Level 2, 110 Mary Street, BRISBANE QLD 4000
PO Box 13186, North Bank Plaza, Cnr George & Ann Streets, BRISBANE QLD 4003

Telephone: (07) 3236 3100
Facsimile: (07) 3236 3077
Email: s47F@agforceqld.org.au



**Subject: High Value Agriculture Permit & the Environment
Protection & Biodiversity Conservation Act.**

Contact: Charles Burke
Date: 14 June 2016

This communication is targeted to AgForce members who have received permits to clear Irrigated High Value Agriculture (IHVA) or High Value Agricultural (HVA) land by Queensland Government but fall within compliance areas identified by the Commonwealth Department of Environment. If you have not applied for or received HVA/IHVA permits from the Queensland Government, the information contained within this letter does not concern you. If you have received HVA/IHVA permits, please read further.

In December 2015, the Commonwealth Department of the Environment wrote to landholders who had been issued permits by the Queensland Government to clear vegetation for high value agriculture. This letter was to inform permit holders that they may have obligations under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (the EPBC Act).

AgForce and the National Farmers' Federation (NFF) met with the Federal Minister for the Environment, the Hon Greg Hunt MP, when AgForce members sought advice on how to respond to the letters. The Minister committed to providing the Commonwealth Department of the Environment with the necessary resources to ensure that each of the 59 permits could be processed in a timely manner.

The resources provided to the Department to work with landholders to resolve these cases are unprecedented in the agriculture sector. The Department is currently meeting the costs of preliminary survey work undertaken by an independent ecologist. This survey work is required to determine if matters of national environmental significance such as threatened species or endangered ecological communities are present on the site, and if the proposed clearing will have a negative impact on these matters.

To date, the Department has advised holders of 40 permits granted under the Queensland legislation that the EPBC Act does not apply to their proposed clearing, and they have been assured that they can proceed with that clearing without seeking further approval.

In other instances, permit holders have been working with the Department's officers to clarify their responsibilities. For example, on a property south of Townsville, a permit holder was advised that the EPBC Act would not apply to his proposed clearing in its entirety. Within thirteen business days of the Department attending his site, he was advised that he could commence clearing without further delay.

In another case, after a survey by an expert ecologist that was paid for by the Department, officers were able to inform an AgForce member that the EPBC Act does not apply to at least 50% (200 hectares) of the proposed clearing. This AgForce member was advised that works can commence within this section of his property without delay. The Department is working with this landholder to confirm whether the remaining 50% will require approval under the EPBC Act.

By working with the Department, many permit holders could proceed with the clearing allowed by their Queensland Government permits. They have successfully minimised their risk of breaking the Commonwealth law and have avoided potential litigation.

If you are potentially affected, AgForce and the NFF encourage you to contact the Department to discuss your particular circumstance. Our experience over many years of the operation of the EPBC Act is that landholders who cooperate with the Department on the whole have better outcomes than those who do not.

Agforce and the NFF acknowledge that while the Department continues to seek to engage with permit holders, in some instances the Department may use its statutory powers.

Contacting the Department does not prevent you from seeking your own independent legal or ecological advice. Indeed, if you have already commenced clearing under your permit, we strongly encourage you to do so.

Further information about your responsibilities under the EPBC Act can be found on the Department of the Environment's website at <http://www.environment.gov.au/epbc/information-for/farmers>

AgForce members who have been working through their situation with Commonwealth officers have offered to speak with other permit holders to share their experiences. Please contact us if you would like to accept this offer.

If you would like to discuss this letter or require further information, please contact s47F [REDACTED] at AgForce on s47F [REDACTED] or s47F [REDACTED] @agforceqld.org.au for further information.

Subject: Phone call with Senator O'Sullivan
Location: Matt's office

Start: Wed 12/10/2016 10:00 AM
End: Wed 12/10/2016 10:30 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Cahill, Matt
Required Attendees: Barker, James

Categories: Teleconference

s22

From: Simonsson, Paul
Sent: Friday, 19 August 2016 4:04 PM
To: de Brouwer, Gordon; Cahill, Matt; Knudson, Dean; s22
Subject: Proposed meeting with Hon O'Sullivan, MacDonald and Entsch for 24 August 2016
[SEC=UNCLASSIFIED]
Attachments: LAND CLEARING - MEETING HON O'SULLIVAN MACDONALD ENTSCH
MPMB16-000406.docx
Categories: Printed

Secretary,

Please find attached an updated Brief I have forwarded this afternoon directly to the PMO for the proposed meeting on Wednesday 24 August, 2016 for your information.

Regards,

Paul Simonsson

A/g Assistant Secretary,
Compliance & Enforcement Branch

Department of the Environment and Energy
P.O. Box 787 CANBERRA, ACT 2601
p) 02 6274 1267 | f) 02 6274 1607

s22

From: Cahill, Matt
Sent: Friday, 2 September 2016 7:07 AM
To: Barker, James; Knudson, Dean
Cc: s22
Subject: URGENT. RE: Kingvale letter from Min MacDonald (came through PDMS) [SEC=UNCLASSIFIED]

Categories: Printed

James

I am comfortable with the response. Suggest you send to minister's office and get s22 to have minister sign but get him to hold off sending till later today until we have spoken to O'Sullivan and sent the extension to the proponent

That is , order:

- O'Sullivan conversation on generic matters but also including advising we are responding to the request for extension
- extension email
- send minister's letter

I note that s22 has stated in his email of yesterday that he has spoken to O'Sullivan's office about the extension request so if we don't get a chance to talk to O Sullivan by lunch we should just proceed with extension. Etc

let's talk at lunch

Regards
Matt

Matt Cahill
First Assistant Secretary
Environment Standards Division
Department of the Environment and Energy
GPO Box 787 Canberra ACT 2601
Tel: 02 6274 1077 Mob: s22

From: Barker, James
Sent: Thursday, 1 September 2016 6:32:06 PM
To: Knudson, Dean; Cahill, Matt
Cc: s22
Subject: FW: Kingvale letter from Min MacDonald (came through PDMS) [SEC=UNCLASSIFIED]

Dean / Matt

Enclosed is an initial draft response to Senator McDonald/O'Sullivan, as well as the incoming letter.

s22

Thanks
James



Meib-012535

131 Denham St (PO Box 2185) Townsville QLD 4810 Ph: 07 4771 3066 Fax: 07 4771 3411
Suite S1 38 Parliament House Canberra ACT 2600 Ph: 02 6277 3722 Fax: 02 6277 5914
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Idm.mjim

FOI 180607
Document 7a



VIP

Min No: MC	Link:
Division: ESD	Date: 31/8
DLO: MS	
RECEIVED 31 AUG 2016	
Environment and Energy Minister	
<input type="checkbox"/> Covering Brief	<input type="checkbox"/> Departmental Reply
<input checked="" type="checkbox"/> Minister Reply	<input type="checkbox"/> Appropriate Action
<input type="checkbox"/> CoS/Adviser Reply	<input type="checkbox"/> For Information
<input type="checkbox"/> Refer to:.....	<input type="checkbox"/> Campaign <input type="checkbox"/> Advice/Min

The Hon Josh Frydenberg MP
Minister for the Environment and Energy
Parliament House
CANBERRA ACT 2600

Dear Minister,

Josh,

for urgent response

Thank you for facilitating what we considered to be a very useful discussion last Wednesday, 24th August, 2016 between ourselves and our colleague, the Hon Warren Entsch MP and the Secretary, Deputy Secretary and Chief Compliance Officer of the Department.

During the course of those discussions (*Kingsvale Station*) owned by our constituent was specifically raised and there was some lengthy discussion regarding *Kingvale*.

As we recall these conversations in relation to *Kingvale*, there was a general acceptance that the only matter of relevance was the possibility of some impact on the Great Barrier Reef Marine Park. As we understand the conversation, the Department was seeking some form of *buffer zones* and it is our advice from our constituent that *buffer zones* were proposed by the applicant and could easily be settled with the Department.

We understood our conversation was along the lines that other matters protected by Part 3, relating to threatened species, migratory species, heritage values and world heritage values are not matters of any great moment, and we understand that officers of your Department have already made their own investigations in relation to, in particular, threatened species and communities and migratory species and have not found any species that would be relevant under Part 3.

It is with some surprise then that we note that 2 days after our meeting, a letter under the hand of James Baker, Assistant Secretary, was sent to our constituent inviting submissions in relation to Part 3. This, to us, seems to be a complete breach of the consensus reached at the meeting in your office on 24th August.

Accordingly, we would ask your Department to indicate what evidence it has of any of the matters protected by Part 3 and called into question in relation to *Kingvale*. We would like to know what investigations have already been done by your officers, both physically on the ground and otherwise, and what it is that your Department has evidence of, that would raise the matters protected by Part 3, apart, that is, from the

Great Barrier Reef Marine Park issue, which, as we mentioned previously has already, we understand been resolved.

We note that time limits of 1st September and 5th September are mentioned in this letter and we would accordingly ask for your urgent response to this letter.

Yours sincerely,

① Ian Macdonald

② Barry O'Sullivan

Ian Macdonald and Barry O'Sullivan
30th August, 2016



THE HON JOSH FRYDENBERG MP
MINISTER FOR THE ENVIRONMENT AND ENERGY

MC16-012535

Senator the Hon Ian Macdonald
Senator Barry O'Sullivan
PO Box 2185
TOWNSVILLE QLD 4810

Dear Senators

Thank you for your letter of 31 August 2016 about 'Kingvale Station', after our discussion on 24 August 2016, and the letter sent to your constituent s47F about that matter on 26 August 2016.

I emphasise that I take this matter seriously and consider it important to find a practical solution that is legally robust.

When we met on 24 August the Department mentioned that, given this was a deemed referral, the Department would write to s47F, asking if he wanted to provide further information and offering an extension of time. The letter of 26 August 2016 was that letter. s47F lawyer responded on 31 August 2016 seeking an extension until 23 September 2016. The Department has provided that extension.

The Department has advised me that, to ensure transparency and natural justice for s47F, the letter of 26 August also set out matters that are legally required to be considered in the 'controlled action' decision. These matters include the Great Barrier Reef World Heritage Area and listed threatened species. This does not mean that the decision will necessarily 'trigger' the EPBC Act for these matters. The decision may trigger the EPBC Act for these matters only if the proposal is likely to have a significant impact on them.

I would encourage s47F to provide his views and information on any of these matters, in particular the matters he thinks will not be significantly impacted by his proposal.

I understand that Department officers have made themselves available to discuss these issues further with s47F.

Yours sincerely

JOSH FRYDENBERG

s22

Subject: Meeting | Senator Sullivan
Location: Senator Sullivans's office

Start: Tue 11/10/2016 4:00 PM
End: Tue 11/10/2016 4:30 PM

Recurrence: (none)

Organizer: Knudson, Dean

Categories: Inn SPACE, External/ Parliament House

Subject: Land clearing | Meeting with Minister Frydenberg & Queensland Senators (Entsch & O'Sullivan & Macdonald) [SEC=UNCLASSIFIED]
Location: APH M1.17
Start: Wed 24/08/2016 10:30 AM
End: Wed 24/08/2016 1:00 PM
Recurrence: (none)
Meeting Status: Accepted
Organizer: de Brouwer, Gordon
Required Attendees: Knudson, Dean; Cahill, Matt
Categories: Inn SPACE, External/ Parliament House