

s. 47F(1)

From: Monica Collins <Monica.Collins@awe.gov.au>
Sent: Wednesday, 16 December 2020 2:40 PM
To: Simon Fontana
Cc: Office of Compliance; **s. 47F(1)**; Lane, Peta (Agriculture); Tongue, Andrew (Agriculture); **s. 47F(1)** (Agriculture); **s. 47F(1)** (Agriculture); Taylor, Mahani (Agriculture)
Subject: Jam Land review - natural justice consultation [SEC=OFFICIAL]
Attachments: QIB_201216-Jam Land investigation update natural justice.docx

Hi Simon

As you are aware, Jam Land requested a review of the remediation determination issued by the Minister's delegate in April this year.

The Department sought further expert advice, and is providing a copy of the expert advice to Jam Land for comment which may be relevant to the decision of the Minister or her delegate in deciding whether to affirm, vary or set aside the Remediation Determination.

Quick information brief attached FYI.

Regards
Monica

Monica Collins
Assistant Secretary | Environment Compliance Branch
Compliance Division
Department of Agriculture, Water and the Environment
P: 02 6274 2760
M: **s. 47F(1)**

QUICK INFORMATION BRIEF

Priority routine – 16/12/2020

Jam Land Pty Ltd, clearing of protected grasslands in the Monaro NSW

Chief Compliance Officer	Monica Collins	Phone number	02 6274 2760 s. 47F(1)
Alternative contact	s. 47F(1)	Phone number	02 6274 ^{s. 47F(1)} s. 47F(1)
Alert prepared by	s. 47F(1)		
Relevant business or persons	Jam Land Pty Ltd	EPBC Act/other approval (if relevant)	NIL approval
Location / electorate	Eden Monaro Kristy McBain MP	Recent brief	N/A
Incident / issue details	<ul style="list-style-type: none"> In late 2016, Jam Land Pty Ltd applied herbicide to Lots 16 and 44 of DP756859 and Lot 1 of DP740077, Corrowong, NSW. This action had a significant impact on approximately 28.5 hectares of the critically endangered Natural Temperate Grassland of the South Eastern Highlands ecological community. On 24 April 2020 the Delegate to the Minister issued a Remediation Determination on Jam Land. On 18 May 2020 Jam Land sought a Ministerial reconsideration of the Remediation Determination. 		
Current and proposed actions	<ul style="list-style-type: none"> On 16 December 2020 Jam Land was provided the opportunity to review new expert advice about the nature of the impacts to the protected grassland. 		
Required action for MO	For noting.		
Next steps (Department)	<ul style="list-style-type: none"> The Delegate to the Minister will be provided a brief, incorporating any submissions that Jam Land provide in response to the recent correspondence, to inform a decision on whether to affirm, vary or set aside the Remediation Determination. 		
Other regulators/agencies and stakeholders involved	N/A		
Media interest	Media has been interested in the progress of this matter.		
Talking points for MO	<ul style="list-style-type: none"> I will not comment on the matter as the reconsideration is still underway. 		
Approved by	Monica Collins		
Relevant Advisor informed	By this brief		
<p>Note: The situation, during the early stages of incidents, can change rapidly and this affects the availability and accuracy of information. New and amended information will be included in an Incident Update (if required)</p>			

From: [Monica Collins](#)
To: [Lane, Peta \(Agriculture\)](#); [O'CONNELL, Lyn \(Agriculture\)](#)
Cc: [s. 47F\(1\)](#) ; [Office of Compliance](#)
Subject: Ministerial briefing note - Jam Land [SEC=OFFICIAL]
Date: Monday, 25 May 2020 9:47:36 AM
Attachments: [MS20-000356.docx](#)

Hi Peta and Lyn

FYI see Ministerial Briefing note sent to Parliamentary this morning through PDMS.

Monica

Monica Collins

Assistant Secretary | Environment Compliance Branch
Compliance Division

Department of Agriculture, Water and the Environment

P: 02 6274 2760

M: [s. 47F\(1\)](#)

MS20-000356

To: Minister for the Environment (For Information)

JAM LAND MINISTERIAL RECONSIDERATION OF REMEDIATION DETERMINATION

Recommendation:			
1. That you note that Jam Land Pty Ltd has applied for a Ministerial reconsideration of a Remediation Order made under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> .			
Noted / Please discuss			
2. That you note that, consistent with normal compliance activities, the review decision will be made under delegation by the Department.			
Noted / Please discuss			
Minister:		Date:	
Comments:			
Clearing Officer: Sent:.././..	Monica Collins	Assistant Secretary Environment Compliance Branch	Ph: 02 6274 2760 Mob: s. 47F(1)
Contact Officer:	s. 47F(1)	Director Compliance Environment Compliance Branch	Ph: 02 6274 ^{s. 47F(1)} Mob: s. 47F(1)

Key Points:

- In late 2016, Jam Land Pty Ltd applied herbicide to Lots 16 and 44 of DP756859 and Lot 1 of DP740077, Corrowong, NSW. This action had a significant impact on approximately 28.5 ha of Natural Temperate Grassland of the South Eastern Highlands ecological community.
- On 28 April 2020 the Delegate to the Minister issued a Remediation Determination on Jam Land requiring the landholders to take certain action to mitigate the impacts.
- On 18 May 2020 Jam Land applied to the Minister for a Ministerial reconsideration of the Remediation Determination.
- In accordance with standard practice for compliance decisions, the reconsideration decision under s 480J will be made by the Minister's delegate pursuant to the delegations under the Act.
- The Delegate to the Minister will consider the issues raised by Jam Land to determine whether to affirm, vary or set aside the determination.

From: [Monica Collins](#)
To: [Simon Fontana](#); [Kristy Domitrovic](#)
Cc: [s. 47F\(1\) Office of Compliance](#); [Kate Lalor](#); [Lane, Peta \(Agriculture\)](#); [O'CONNELL, Lvn \(Agriculture\)](#); [Metcalf, Andrew \(Agriculture\)](#); [s. 47F\(1\) \(Agriculture\)](#); [Hunter, Colin \(Agriculture\)](#); [s. 47F\(1\) s. 47F\(1\) \(Agriculture\)](#)
Subject: Jam Land ministerial review of remediation determination [SEC=OFFICIAL]
Date: Monday, 18 May 2020 5:27:53 PM
Attachments: [QIB 200518-Jam Land reconsideration request.docx](#)
Importance: High

Hello Simon

FYI in Kristy's absence, the Department has received a request from Jam Land for Ministerial review of remediation determination. Quick information brief attached and we will work with General Counsel to brief on next steps.

Regards

Monica

Monica Collins

**Assistant Secretary | Environment Compliance Branch
Compliance Division**

Department of Agriculture, Water and the Environment

P: 02 6274 2760

M: [s. 47F\(1\)](#)

QUICK INFORMATION BRIEF

Priority high – 18/05/2020

Jam Land Pty Ltd, clearing of protected grasslands in the Monaro NSW

Chief Compliance Officer	Monica Collins	Phone number	02 6274 2760 s. 47F(1)
Alternative contact	s. 47F(1)	Phone number	02 6274 ^{s. 47F(1)} s. 47F(1)
Alert prepared by	s. 47F(1)		
Relevant business or persons	Jam Land Pty Ltd	EPBC Act/other approval (if relevant)	NIL approval
Location / electorate	Eden Monaro Mike Kelly MP	Recent brief	N/A
Incident / issue details	<ul style="list-style-type: none"> On 28 April 2020 the Delegate to the Minister issued a Remediation Determination on Jam Land. On 18 May 2020 Jam Land applied to the Minister for a Ministerial reconsideration of the Remediation Determination. The Department is awaiting additional information to inform the decision-making process. 		
Current and proposed actions	The Delegate to the Minister will consider the issues raised by Jam Land to determine whether to affirm, vary or set aside the determination.		
Required action for MO	For noting.		
Next steps (Department)	N/A		
Other regulators/agencies and stakeholders involved	N/A		
Media interest	This decision is likely to draw significant media attention.		
Talking points for MO	<ul style="list-style-type: none"> On 28 April 2020 my Delegate issued a Remediation Determination which requires Jam Land to take actions to repair or mitigate damage to the critically endangered grassland community. Details on the Determination are published on the Department's website. On 18 May 2020 Jam Land exercised their right to apply for a Ministerial reconsideration of the Remediation Determination. My delegate in the Department will commence a review. 		
Approved by	Monica Collins		
Relevant Advisor informed	By this brief.		
Note: The situation, during the early stages of incidents, can change rapidly and this affects the availability and accuracy of information. New and amended information will be included in an Incident Update (if required)			