

From: s. 47F(1)
To: s. 47F(1)
Subject: NFF Meeting brief [SEC=UNCLASSIFIED]
Date: Tuesday, 12 March 2019 11:25:58 AM
Attachments: [EC19-000189 - Meeting Brief - NFF.docx](#)
[EC19-0000189 - Attachment A - Agriculture Review Recommendations.docx](#)
[EC19-0000189 - Attachment B - Regional Approaches in the Monaro Region.docx](#)

Hi ^{s. 47F(1)}

Please find attached EC19-0000189 – Meeting with the National Farmers’ Federation.

Cheers

s. 47F(1)

Assistant Director | Environment Protection Regulatory Policy

Policy and Reform Branch | Environment Standards Division

Department of the Environment and Energy

p: 02 627^{s. 47F(1)} | **e:** **s. 47F(1)** [@environment.gov.au](#)

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.

MEETING WITH TONY MAHAR AND WARWICK RAGG, NATIONAL FARMERS' FEDERATION 4-5pm / Tuesday 12 March with James Tregurtha and Kylie Jonasson	<i>EC: 19-000189</i>
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NFF meet regularly with officers of the Department on issues related to the agriculture sector, including environmental regulation, natural resource management and climate change policy.

NFF met with Minister Price in September 2018 and they discussed EPBC Act / Agriculture Review, and policy priorities for the NFF, including climate change.

Key points

- Dr Wendy Craik provided her independent *Review of interactions between the EPBC Act and the agriculture sector* (agriculture review) to Government in October 2018. It has not been publically released (list of recommendations at **Attachment A**).
- The Department is advancing important work that aligns with the agriculture reviews' recommendations.

What we want

- To signal an ongoing commitment to making it easier for farmers to meet EPBC Act requirements and deliver biodiversity outcomes.
- To work with organisations such as NFF to improve understanding and engagement with the agriculture sector, and promote good environmental management.

What they want

- The NFF were heavily involved in Dr Craik's review. They are particularly interested in options for funding farmers to support biodiversity, as an alternative to regulation.
 - NFF are aware of and support the agriculture review recommendations, and will advocate for publication and implementation.

Talking points

- The Minister has received Dr Craik's independent review and is considering the recommendations.
- The Department has implemented a number of reforms to assist the agriculture sector:
 - Appointing Dr Richard Harper from the School of Veterinary and Life Sciences at Murdoch University to the Threatened Species Scientific Committee, to strengthen the Committee's ability to provide advice which assists land managers.
 - Ongoing collaboration with landowners and New South Wales Local Land Services to improve understanding of how the EPBC Act applies to native grasslands in the region.
 - Development of tailored guidance on high priority issues, e.g. clearance of paddock trees, to further improve the accessibility and useability of assessment and conservation planning documents.

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- Engagement with the Regional Agricultural Landcare Facilitator program (managed by the Department of Agriculture and Water Resources), to broker on-ground engagement with farmers on environmental regulation.
- Further to these examples, we know farmers want increased access to tailored advice, transparent listing decisions, greater use of strategic and regional approaches and market-based mechanisms to support environmental management.
 - A number of these issues need legislative change or substantial new funding.
 - The upcoming EPBC Act review is an opportunity to think holistically about the future of environmental laws in Australia.
- Further funding for landowners is a matter that would need to be considered separately by Government.
 - Existing programs, including the National Landcare Program and the Environmental Stewardship program, support farmers to protect matters of national environmental significance on private land. The new funding announced as part of the Climate Solutions Package will also give farmers the chance to improve the environment and benefit from new revenue opportunities.
 - The Department is continuing to explore opportunities for innovative finance models, including market-based approaches.

Ongoing engagement

- The Department wants to continue working with the NFF to find ways to improve current regulatory processes within our existing capacity.
- It's also important to be able to advise Government accurately about the needs of the agriculture industry in relation to environment regulation.

Taking a regional approach in the Monaro



- We are also actively investigating the greater use of strategic approaches in priority areas, including in the Monaro region of New South Wales, where there are opportunities to deliver further regulatory efficiencies and certainty for farmers and the community (**Attachment B** refers).

Attachments

A: Recommendations of the independent review of interactions between the EPBC Act and the agriculture sector

B: MB19-0000124 Monaro Grasslands Regional Approach (currently with Minister Price for consideration)

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 A portrait of Tony Mahar, a man with short grey hair, wearing a blue V-neck sweater over a light blue collared shirt. He is smiling and looking directly at the camera.	<p>Tony Mahar - CEO</p> <p>Tony first joined the NFF as General Manager, Economics and Trade in July 2012. In December 2014 Tony was appointed as Deputy Chief Executive Officer and since March 2016 has held the position of Chief Executive Officer.</p> <p>Tony has a long history of working with and representing industry and government in a range areas including economic policy, international trade and sustainability. As part of his role at NFF he has developed and lead Federal election strategies and budget responses and headed up the national media and communications responses on industry wide issues.</p> <p>Prior to joining the NFF, Tony worked at the Australian Food and Grocery Council, the Dept of Agriculture and for Elders in Griffith NSW.</p>
 A portrait of Warwick Ragg, a man with short brown hair and glasses, wearing a dark blue blazer over a light blue collared shirt. He is smiling and has his arms crossed.	<p>Warwick Ragg - General Manager, Natural Resource Management</p> <p>Warwick has almost 30 years' experience in rural and regional advocacy, including with NSW Farmers' Association, Australian Forest Growers, Australian Landcare Council and in the Commonwealth Government. Warwick's strong interest and background in natural resource management issues includes state and federal government engagement on vegetation management, climate change policy and water especially in the Murray Darling Basin.</p>

Attachment A – Recommendations of the independent review of interactions between the EPBC Act and the agriculture sector (Craik, W. 2018)

AWARENESS AND UNDERSTANDING

Recommendation 1

It is recommended that the Department of the Environment and Energy develop an agreed vision of the desired outcome from implementing the EPBC Act for agriculture.

- An example of such a vision statement could be: 'To actively protect matters of national environmental significance while minimising the regulatory burden on farmers'.
- This vision statement could be included within an agriculture-oriented supplement to the Department of the Environment and Energy's current Service Charter, developed in consultation with farmers to set out the manner in which the Department will engage with farmers (e.g. through local face-to-face consultation, consistent case management, development of communications material with advice from an experienced practitioner in farmer communication etc.).

Recommendation 2

It is recommended that collaboration between agriculture sector experts and environment and biodiversity experts be encouraged, to identify innovative practices and activities and areas of prospective agricultural growth over the next ten years. The Department of the Environment and Energy should consider vehicles for promoting this collaboration, such as a biennial 'outlook workshop' to be convened with the sector in partnership with the Department of Agriculture and Water Resources, especially the Australian Bureau of Agricultural and Resource Economics and Sciences.

Recommendation 3

It is recommended that an outreach facility (with an initial focus on the agriculture sector) be developed to enable face-to-face interaction with farmers on the implementation of the EPBC Act. Options (which should be monitored and evaluated) for establishing this facility include:

- assessing the effectiveness of current collaboration between the Department of the Environment and Energy and New South Wales Local Land Services, and considering further expansion of this model in other states and territories if the benefits are found to outweigh the costs.
- outposting Department of the Environment and Energy staff.
- contracting suitably qualified locally based and trusted agricultural experts.

Recommendation 4

It is recommended that the Department of the Environment and Energy consider the costs and benefits of developing an agriculture sector specialisation within the Environment Standards Division.

Recommendation 5

It is recommended that individual case officers, including from among outposted officers (if applicable), are appointed within the Department of the Environment and Energy to manage referrals from the agriculture sector.

Recommendation 6

It is recommended that relevant existing information on farmers' obligations under the EPBC Act is organised on a single webpage (or collection of pages) on the website of the Department of the Environment and Energy. Content for this webpage should be drafted by an individual with experience communicating with farmers, and the webpage should be promoted through hyperlinks on the websites of the Department of Agriculture and Water Resources, the National Farmers' Federation and other government agencies and peak bodies as necessary.

Recommendation 7

It is recommended that the Department of the Environment and Energy's Customer Relationship Management (CRM) system be functionally improved and updated to record all interactions with customers and potential customers of the Department who refer, or require assessment and approval of conditions and monitoring, under the EPBC Act. The system should also be searchable.

LISTING AND DELISTING**Recommendation 8**

It is recommended that the EPBC Act be amended to:

- require that nominations of species or ecological communities for listing under the Act, and all supporting information, be made publicly available for comment for a period of 30 business days, between confirmation by the Department of the Environment and Energy of those nominations that comply with the EPBC Regulations and the referral of those nominations by the Minister to the Threatened Species Scientific Committee for consideration.
- extend the time available to the Threatened Species Scientific Committee to prepare the Proposed Priority Assessment List for the Minister from a maximum of 40 business days to a maximum of 60 business days.

Recommendation 9

It is recommended that the EPBC Act be amended, and appropriate resourcing provided, to expand the membership of the Threatened Species Scientific Committee to include an individual with formal qualifications in science and practical experience in productive landscape management. It is recommended that this be implemented immediately, prior to the change being formalised through an amendment to the Act.

Recommendation 10

It is recommended that the Minister receive advice, concurrently with the listing brief on the relevant species or ecological community, as to the likely location and extent of impacts on the agriculture sector associated with the listing, and, where these might be viewed as material, options available to mitigate any likely significant social and economic impacts of a listing decision.

Recommendation 11

It is recommended that risk-based ground-truthing of conservation advices and recovery plans for listed species and ecological communities be undertaken, with the involvement of local practitioners and technical experts, prior to the formalisation of that advice.

ENVIRONMENTAL IMPACT ASSESSMENT**Recommendation 12**

It is recommended that the Department of the Environment and Energy set out what constitutes an acceptable survey method to be undertaken by a proponent prior to the proponent undertaking the work. Additionally, it is recommended that the Department accredit, and regularly audit, a single professional association (e.g. Environment Institute of Australia and New Zealand) to in turn accredit relevant environmental professionals to undertake flora and fauna surveys in support of referrals, noting that individuals may still employ the services of non-accredited individuals.

Recommendation 13

It is recommended that an online tool be established under the EPBC Act to enable individual landholders, or Commonwealth officers or authorised individuals working with landholders, to access automated processing of 'not controlled action' decisions where there is no significant

impact on matters of national environmental significance. This tool should be formalised through an amendment to the Act.

Recommendation 14

It is recommended that, following the Australian Government response to this report, the Department of the Environment and Energy monitor and report back to the Meeting of Environment Ministers on progress against implementation of the recommendations and the success of the recommendations in enhancing harmonisation between the operation of the EPBC Act and each state and territory's existing environment protection and land management legislation.

Recommendation 15

It is recommended that the EPBC Act be amended to allow the holder of an approval to request the Minister, in writing, to revoke, vary or add conditions for environmental approvals granted under Part 9 of the EPBC Act, where an existing condition is no longer relevant, is establishing a perverse outcome, cannot reasonably be undertaken due to changing circumstances or new information, or could be undertaken in a more cost-effective manner.

Recommendation 16

It is recommended that the policy for EPBC Act environmental offsets on private lands be reformed following a review of environmental offsets including by considering options for:

- working toward improving harmonisation of environmental offset assessment methods between jurisdictions, either by developing a common assessment method for offsets or developing a Commonwealth standard for offset assessment methods that states and territories can choose to meet by seeking accreditation.
- providing guidance targeted at agriculture sector stakeholders on how environmental offsets are calculated and when an offset is and is not an appropriate mechanism to manage significant impacts on matters of national environment significance.
- developing a voluntary register of parcels of land containing matters of national environmental significance that may be eligible to be purchased as environmental offsets in future.
- establishing a public register of approved environmental offsets established under the Act, and providing regular reporting on the results of monitoring and evaluation of conservation outcomes.

STRATEGIC APPROACHES AND NEW INITIATIVES

Recommendation 17

It is recommended that datasets developed in support of referrals and assessments be conditioned to Commonwealth standards to enable relevant data to be incorporated into national datasets in a timely fashion and made publicly discoverable, accessible and reusable. Where there is an unacceptable risk that revealing the location of these species or ecological communities may result in their collection or destruction, the Department of the Environment and Energy's sensitive data policy should apply.

Recommendation 18

It is recommended that a priority area for funding in the next round of the National Environmental Science Program or its successor be aimed at providing advice regarding the implementation of the EPBC Act. In addition to providing the Department of the Environment and Energy with responses to specific questions related to the EPBC Act, research priorities could include:

- a national review of approaches to EPBC Act environmental offsets and advice on their effectiveness in achieving stated objectives.
- development of a common assessment method for EPBC Act environmental offsets (see Recommendation 16 in this Review).

- development of a coordinated regional approach to conservation management of MNES and, in particular, threatened species and ecological communities.
- assessment of approaches to long-term monitoring of threatened species and ecological community health in regions where interactions between environment protection objectives and agricultural development activities already occur or are likely to occur in future.
- best-practice approaches for assessment of cumulative impacts on MNES.

Recommendation 19

It is recommended that the Department of the Environment and Energy work with regional natural resource management organisations or other appropriate groups to develop non-statutory regional plans in regions where interactions between environment protection objectives and agricultural development activities are likely to be challenging or extensive, to:

- identify priority matters of national environmental significance within each region and proactively engage with local landholders to provide relevant advice and pursue appropriate statutory and/or non-statutory protection objectives.
- provide for review of the plan (e.g. every ten to fifteen years) in response to new scientific or other knowledge, the impacts of climate change, and other contextual developments.

It is recommended that non-statutory plans in relation to the listed ecological communities of the Monaro and Walgett regions be undertaken as potential pilots for this approach.

Recommendation 20

It is recommended that the EPBC Act be amended to provide for bioregional plans to:

- change the terminology from ‘bioregional plans’ to ‘regional plans’ to better align with existing regional administrative boundaries.
- allow the Commonwealth to develop regional plans (while encouraging in practice that these plans are designed and implemented collaboratively between states/territories/regional natural resource management organisations and the Commonwealth).

Recommendation 21

It is recommended that an initial allocation of \$1 billion over four years be provided to establish a National Biodiversity Conservation Trust fund explicitly tied to the EPBC Act to support the public benefits of protection, including by farmers, of matters of national environmental significance through the adoption of a market-based approach that incentivises farmers (and others) to protect and actively manage matters of national environmental significance outside of legislated requirements. Where there is a public benefit, the Fund should have the capacity and authority to, inter alia:

- support the purchase of private land management agreements acquired under Australian Government environmental offsetting programs.
- directly purchase environment protection and biodiversity conservation outcomes through the acquisition and active management of land, based on a strategic and proactive long-term investment plan.
- make payments to accredited state and territory Trusts that deliver actions in the long-term investment plan.
- compensate landholders affected by the influx of a mobile threatened species into an area causing significant financial burden.

It is further recommended that the Department undertake some preliminary work to develop an approach to assessing public benefits and regularly monitoring, evaluating and publishing the results of the Trust’s activities.

Recommendation 22

It is recommended that the Commonwealth provide the Department of the Environment and Energy with the appropriate additional resources required to implement the recommendations in this Review and achieve associated long-term efficiency improvements in the regulation of the agriculture sector under the EPBC Act.

Attachment A – Recommendations of the independent review of interactions between the EPBC Act and the agriculture sector (Craik, W. 2018)

s. 47C(1); s. 47F(1)

s. 47C(1)

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From: s. 47F(1)
To: s. 47F(1)
Subject: FW: NFF Meeting brief [SEC=UNCLASSIFIED]
Date: Tuesday, 12 March 2019 3:09:53 PM
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Cheers,
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From: s. 47F(1)
To: s. 47F(1)
Subject: RE: NFF Meeting brief [SEC=UNCLASSIFIED]
Date: Wednesday, 13 March 2019 10:32:04 AM
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For background, Dean met with National Farmers' Federation yesterday to discuss the recommendations from the ag review (not yet publically released), and the potential use of strategic approaches in the Monaro region. Meeting brief is attached. We have been keeping s. 47F(1) in the loop, as a number of the recommendations relate to your section, and the review will be handed over at some point.

Ag sector is likely to become/remain a priority for the EPBC Act engagement work.

Happy to have a chat sometime.

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From: s. 47F(1)
Sent: Wednesday, 13 March 2019 10:15 AM
To: s. 47F(1) @environment.gov.au>
Cc: s. 47F(1) @environment.gov.au>
Subject: RE: NFF Meeting brief [SEC=UNCLASSIFIED]

Hi s. 47F(1)

NFF identified their top four priorities – An environmental stewardship fund; better defined, accurate and accessible mapping; ag sector targeted communications; TSSC ag representation.

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I'll let you know if we get any feedback out of the meeting. Likewise, if you hear anything, please let me know.

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Subject: RE: NFF Meeting brief [SEC=UNCLASSIFIED]
Thanks s. 47F(1) much appreciated.

From: s. 47F(1)
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