

**Josh Manuatu**

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**From:** DLOTaylor  
**Sent:** Monday, 12 August 2019 3:16 PM  
**To:** Josh Manuatu  
**Subject:** FW: Senate Environment and Communications References Committee - public hearing - Friday 23 August, Canberra [SEC=OFFICIAL]

t: (02) 6277 [REDACTED] | m: [REDACTED] e: [REDACTED]@environment.gov.au

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**From:** Committee, EC (SEN) [mailto:ec.sen@aph.gov.au]  
**Sent:** Monday, 12 August 2019 3:16 PM  
**To:** Taylor, Angus (MP)  
**Cc:** DLOTaylor ; Committee, EC (SEN) ; [REDACTED]  
**Subject:** Senate Environment and Communications References Committee - public hearing - Friday 23 August, Canberra



**SENATE ENVIRONMENT AND COMMUNICATIONS COMMITTEE**  
**References Committee**

12 August 2019  
The Hon Angus Taylor MP  
Member for Hume, New South Wales

Via email: [Angus.Taylor.MP@aph.gov.au](mailto:Angus.Taylor.MP@aph.gov.au)  
CC: [DLOTaylor@environment.gov.au](mailto:DLOTaylor@environment.gov.au)

Dear Mr Taylor

**Inquiry into Australia's Faunal Extinction Crisis**

I am writing to request that you appear before the Senate Environment and Communications References Committee to give evidence in relation to the above inquiry, in your capacity as the Member for Hume.

**Date: Friday, 23 August 2019**  
**Location: Committee Room 2S1, Parliament House**  
**Canberra ACT**

I also invite you to make a written submission to the inquiry, should you wish to do so. [More information about the inquiry, including its terms of reference can be found at the committee's website here.](#)

At this hearing, the committee will be seeking information about representations you made on behalf of your constituents regarding the Natural Temperate Grassland of the South Eastern Highlands (NT Grassland). The NT Grassland is a nationally protected ecological community listed as Critically Endangered under the

*Environment Protection and Biodiversity Conservation Act 1999*, and home to several species of flora and fauna that are protected under the environmental laws of both the Commonwealth and relevant jurisdictions.

The committee intends that the hearing will commence at 9.00 am and conclude by 4.30 pm, although this is subject to change. At this stage, the committee has not set a time for your appearance. However, the committee will be pleased to find a time that suits you to appear.

As you would be aware, as a matter of comity between legislatures, Senate committees cannot summon members of the House of Representatives. However, I also note that there is nothing to prevent members of the House of Representatives appearing before Senate committees on a voluntary basis, and indeed it is not uncommon for members to do so. I would therefore ask that you agree to the committee's request that you appear on this occasion, given the matters under inquiry relate directly to your actions as a member of the Commonwealth Parliament.

For administrative purposes, can you please respond with advice as to your availability by **5.00 pm, Wednesday 14 August 2019**. This advice can be provided to [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au).

#### **At the hearing**

At the beginning of your appearance, I will invite you to make a brief opening statement of approximately 5 minutes, in which you may wish to outline your main arguments, summarise your views or highlight the issues you would like to emphasise for the committee.

Following your opening statement, the committee will ask questions to clarify aspects of your submission, seek information relevant to the inquiry's terms of reference and allow you to amplify any points made in your submission or opening remarks.

#### **The hearing is public and will be broadcast and recorded**

The hearing is a public event, which means members of the public and the media are free to attend the hearing in person. Additionally, the hearing will be broadcast live on the Parliament's website at [www.aph.gov.au/Watch Read Listen](http://www.aph.gov.au/Watch_Read_Listen).

A Hansard transcript will be made of the hearing, which will become an official record of the Australian Parliament. This will also be a public and freely accessible document, including being placed on the internet. Given this, if you consider there may be a need to give evidence confidentially, please let the committee secretariat know in advance.

#### **Attached document**

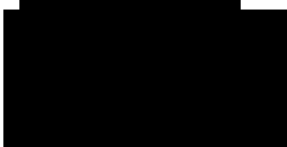
Please find attached some material to guide witnesses appearing before Senate committees. Additional information is available at: [www.aph.gov.au/About Parliament/Senate/Committees/Frequently asked questions for witnesses appearing before Senate committees](http://www.aph.gov.au/About_Parliament/Senate/Committees/Frequently_asked_questions_for_witnesses_appearing_before_Senate_committees).

Information about the inquiry is available on the committee's website:

[www.aph.gov.au/Parliamentary Business/Committees/Senate/Environment and Communications](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications).

Should you have any further queries regarding this correspondence please contact the committee secretary, Mr Stephen Palethorpe on (02) 6277 3526, or by emailing [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au).

Yours sincerely



Senator Janet Rice  
Chair

PO Box 6100, Parliament House Canberra ACT 2600 Tel: (02) 6277 3526 Fax: (02) 6277 5818  
Email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au) Internet:  
[www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment and Communications](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications)

## **Procedures to be observed by Senate Committees for the protection of witnesses**

*In their dealings with witnesses, all committees of the Senate shall observe the following procedures:*

- 1.** A witness shall be invited to attend a committee meeting to give evidence. A witness shall be summoned to appear (whether or not the witness was previously invited to appear) only where the committee has made a decision that the circumstances warrant the issue of a summons.
- 2.** Where a committee desires that a witness produce documents relevant to the committee's inquiry, the witness shall be invited to do so, and an order that documents be produced shall be made (whether or not an invitation to produce documents has previously been made) only where the committee has made a decision that the circumstances warrant such an order.
- 3.** A witness shall be given reasonable notice of a meeting at which the witness is to appear, and shall be supplied with a copy of the committee's order of reference, a statement of the matters expected to be dealt with during the witness's appearance, and a copy of these procedures. Where appropriate, a witness shall be supplied with a transcript of relevant evidence already taken.
- 4.** A witness shall be given opportunity to make a submission in writing before appearing to give oral evidence.
- 5.** Where appropriate, reasonable opportunity shall be given for a witness to raise any matters of concern to the witness relating to the witness's submission or the evidence the witness is to give before the witness appears at a meeting.
- 6.** A witness shall be given reasonable access to any documents that the witness has produced to a committee.
- 7.** A witness shall be offered, before giving evidence, the opportunity to make application, before or during the hearing of the witness's evidence, for any or all of the witness's evidence to be heard in private session, and shall be invited to give reasons for any such application. If the application is not granted, the witness shall be notified of reasons for that decision.
- 8.** Before giving any evidence in private session a witness shall be informed whether it is the intention of the committee to publish or present to the Senate all or part of that evidence, that it is within the power of the committee to do so, and that the Senate has the authority to order the production and publication of undisclosed evidence.
- 9.** A chairman of a committee shall take care to ensure that all questions put to witnesses are relevant to the committee's inquiry and that the information sought by those questions is necessary for the purpose of that inquiry. Where a member of a committee requests discussion of a ruling of the chairman on this matter, the committee shall deliberate in private session and determine whether any question which is the subject of the ruling is to be permitted.
- 10.** Where a witness objects to answering any question put to the witness on any ground, including the ground that the question is not relevant or that the answer may incriminate the witness, the witness shall be invited to state the ground upon which objection to answering the question is taken. Unless the committee determines immediately that the question should not be pressed, the committee shall then consider in private session whether it will insist upon an answer to the question, having regard to the relevance of the question to the committee's inquiry and the importance to the inquiry of the information sought by the question. If the committee determines that it requires an answer to the question, the witness shall be informed of that determination and the reasons for the determination, and shall be required to answer the question only in private session unless the committee determines that it is essential to the committee's inquiry that the question be answered in public session. Where a witness declines to answer a question to which a committee has required an answer, the committee shall report the facts to the Senate.
- 11.** Where a committee has reason to believe that evidence about to be given may reflect adversely on a person, the committee shall give consideration to hearing that evidence in private session.
- 12.** Where a witness gives evidence reflecting adversely on a person and the committee is not satisfied that evidence is relevant to the committee's inquiry, the committee shall give consideration to expunging that evidence from the transcript of evidence, and to forbidding the publication of that evidence.

**13.** Where evidence is given which reflects adversely on a person and action of the kind referred to in paragraph (12) is not taken in respect of the evidence, the committee shall provide reasonable opportunity for that person to have access to that evidence and to respond to that evidence by written submission and appearance before the committee.

**14.** A witness may make application to be accompanied by counsel and to consult counsel in the course of a meeting at which the witness appears. In considering such an application, a committee shall have regard to the need for the witness to be accompanied by counsel to ensure the proper protection of the witness. If an application is not granted, the witness shall be notified of reasons for that decision.

**15.** A witness accompanied by counsel shall be given reasonable opportunity to consult counsel during a meeting at which the witness appears.

**16.** An officer of a department of the Commonwealth or of a State shall not be asked to give opinions on matters of policy, and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a Minister.

**17.** Reasonable opportunity shall be afforded to witnesses to make corrections of errors of transcription in the transcript of their evidence and to put before a committee additional material supplementary to their evidence.

**18.** Where a committee has any reason to believe that any person has been improperly influenced in respect of evidence which may be given before the committee, or has been subjected to or threatened with any penalty or injury in respect of any evidence given, the committee shall take all reasonable steps to ascertain the facts of the matter. Where the committee considers that the facts disclose that a person may have been improperly influenced or subjected to or threatened with penalty or injury in respect of evidence which may be or has been given before the committee, the committee shall report the facts and its conclusions to the Senate.

## **Matters constituting contempts in relation to Senate committees**

Without derogating from its power to determine that particular acts constitute contempt, the Senate declares as a matter of general guidance, that the following breaches may be treated by the Senate as contempts.

### **Interference with witnesses**

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence another person in respect of any evidence given or to be given before the Senate or a committee, or induce another person to refrain from giving such evidence.

### **Molestation of witnesses**

A person shall not inflict any penalty or injury upon, or deprive of any benefit, another person on account of any evidence given or to be given before the Senate or a committee.

### **Offences by witnesses etc.**

A witness before the Senate or a committee shall not:

- a. without reasonable excuse, refuse to make an oath or affirmation or give similar undertaking to tell the truth when required to do so
- b. without reasonable excuse, refuse to answer any relevant question put to the witness when required to do so; or
- c. give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.

A person shall not, without reasonable excuse:

- a. refuse or fail to attend before the Senate or a committee when ordered to do so; or
- b. refuse or fail to produce documents, or to allow the inspection of documents, in accordance with an order of the Senate or of a committee.

A person shall not wilfully avoid service of an order of the Senate or of a committee.

A person shall not destroy, damage, forge or falsify any document required to be produced by the Senate or by a committee.

**Unauthorised disclosure of evidence etc.**

A person shall not, without the authority of the Senate or a committee, publish or disclose:

- a. a document that has been prepared for the purpose of submission, and submitted, to the Senate or a committee and has been directed by the Senate or a committee to be treated as evidence taken in private session or as a document confidential to the Senate or the committee;
- b. any oral evidence taken by the Senate or a committee in private session, or a report of any such oral evidence; or
- c. any proceedings in private session of the Senate or a committee or any report of such proceedings, unless the Senate or a committee has published, or authorised the publication of, that document, that oral evidence or a report of those proceedings.

## Josh Manuatu

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**From:** Josh Manuatu  
**Sent:** Monday, 12 August 2019 3:49 PM  
**To:** Angus Taylor  
**Cc:** Tim Roy; Liam O'Neil  
**Subject:** FW: Senate Environment and Communications References Committee - public hearing - Friday 23 August, Canberra [SEC=UNOFFICIAL]

Minister – FYI. I will draft a response.

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**From:** Committee, EC (SEN) [<mailto:ec.sen@aph.gov.au>]  
**Sent:** Monday, 12 August 2019 3:16 PM  
**To:** Taylor, Angus (MP) <[Angus.Taylor.MP@aph.gov.au](mailto:Angus.Taylor.MP@aph.gov.au)>  
**Cc:** DLOTaylor [REDACTED] <[\[REDACTED\]@environment.gov.au](mailto:[REDACTED]@environment.gov.au)>; Committee, EC (SEN) <[ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au)>; [REDACTED]  
**Subject:** Senate Environment and Communications References Committee - public hearing - Friday 23 August, Canberra



**SENATE ENVIRONMENT AND COMMUNICATIONS COMMITTEE**  
**References Committee**

12 August 2019  
The Hon Angus Taylor MP  
Member for Hume, New South Wales

Via email: [Angus.Taylor.MP@aph.gov.au](mailto:Angus.Taylor.MP@aph.gov.au)  
CC: [DLOTaylor@environment.gov.au](mailto:DLOTaylor@environment.gov.au)

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**Date: Friday, 23 August 2019**  
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At this hearing, the committee will be seeking information about representations you made on behalf of your constituents regarding the Natural Temperate Grassland of the South Eastern Highlands (NT Grassland). The NT Grassland is a nationally protected ecological community listed as Critically Endangered under the

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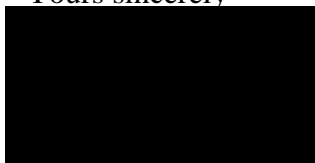
Please find attached some material to guide witnesses appearing before Senate committees. Additional information is available at: [www.aph.gov.au/About Parliament/Senate/Committees/Frequently asked questions for witnesses appearing before Senate committees](http://www.aph.gov.au/About_Parliament/Senate/Committees/Frequently_asked_questions_for_witnesses_appearing_before_Senate_committees).

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Yours sincerely



Senator Janet Rice  
Chair



PO Box 6100, Parliament House Canberra ACT 2600 Tel: (02) 6277 3526 Fax: (02) 6277 5818  
Email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au) Internet:  
[www.aph.gov.au/Parliamentary\\_Business/Committees/Senate/Environment and Communications](http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Environment_and_Communications)

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- 8.** Before giving any evidence in private session a witness shall be informed whether it is the intention of the committee to publish or present to the Senate all or part of that evidence, that it is within the power of the committee to do so, and that the Senate has the authority to order the production and publication of undisclosed evidence.
- 9.** A chairman of a committee shall take care to ensure that all questions put to witnesses are relevant to the committee's inquiry and that the information sought by those questions is necessary for the purpose of that inquiry. Where a member of a committee requests discussion of a ruling of the chairman on this matter, the committee shall deliberate in private session and determine whether any question which is the subject of the ruling is to be permitted.
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**15.** A witness accompanied by counsel shall be given reasonable opportunity to consult counsel during a meeting at which the witness appears.

**16.** An officer of a department of the Commonwealth or of a State shall not be asked to give opinions on matters of policy, and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a Minister.

**17.** Reasonable opportunity shall be afforded to witnesses to make corrections of errors of transcription in the transcript of their evidence and to put before a committee additional material supplementary to their evidence.

**18.** Where a committee has any reason to believe that any person has been improperly influenced in respect of evidence which may be given before the committee, or has been subjected to or threatened with any penalty or injury in respect of any evidence given, the committee shall take all reasonable steps to ascertain the facts of the matter. Where the committee considers that the facts disclose that a person may have been improperly influenced or subjected to or threatened with penalty or injury in respect of evidence which may be or has been given before the committee, the committee shall report the facts and its conclusions to the Senate.

## **Matters constituting contempts in relation to Senate committees**

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### **Interference with witnesses**

A person shall not, by fraud, intimidation, force or threat of any kind, by the offer or promise of any inducement or benefit of any kind, or by other improper means, influence another person in respect of any evidence given or to be given before the Senate or a committee, or induce another person to refrain from giving such evidence.

### **Molestation of witnesses**

A person shall not inflict any penalty or injury upon, or deprive of any benefit, another person on account of any evidence given or to be given before the Senate or a committee.

### **Offences by witnesses etc.**

A witness before the Senate or a committee shall not:

- a. without reasonable excuse, refuse to make an oath or affirmation or give similar undertaking to tell the truth when required to do so
- b. without reasonable excuse, refuse to answer any relevant question put to the witness when required to do so; or
- c. give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.

A person shall not, without reasonable excuse:

- a. refuse or fail to attend before the Senate or a committee when ordered to do so; or
- b. refuse or fail to produce documents, or to allow the inspection of documents, in accordance with an order of the Senate or of a committee.

A person shall not wilfully avoid service of an order of the Senate or of a committee.

A person shall not destroy, damage, forge or falsify any document required to be produced by the Senate or by a committee.

**Unauthorised disclosure of evidence etc.**

A person shall not, without the authority of the Senate or a committee, publish or disclose:

- a. a document that has been prepared for the purpose of submission, and submitted, to the Senate or a committee and has been directed by the Senate or a committee to be treated as evidence taken in private session or as a document confidential to the Senate or the committee;
- b. any oral evidence taken by the Senate or a committee in private session, or a report of any such oral evidence; or
- c. any proceedings in private session of the Senate or a committee or any report of such proceedings, unless the Senate or a committee has published, or authorised the publication of, that document, that oral evidence or a report of those proceedings.



**THE HON ANGUS TAYLOR MP**  
**MINISTER FOR ENERGY AND EMISSIONS REDUCTION**

Senator Janet Rice  
Senate Environment and Communications References Committee  
Parliament House  
CANBERRA ACT 2600

Dear Senator Rice

Thank you for letter of 12 August 2019 inviting me to appear before the Senate Standing Committee on Environment and Communication's Inquiry into Australia's Faunal Extinction Crisis.

In keeping with long-standing parliamentary practice that Members of the House of Representatives do not appear before Senate Committees, I will not be attending.

As a Minister in the House of Representatives, I am represented in the Senate by Senator the Hon Simon Birmingham who, as a Senate Minister, remains available to answer any questions during Senate Question Time and the regular Senate Estimates hearings.

Finally, I note that the Senate has on two recent occasions rejected Labor-Greens proposals to establish an inquiry into the issues raised in your letter.

Yours sincerely

A handwritten signature in blue ink that reads 'Angus Taylor'.

ANGUS TAYLOR

## Josh Manuatu

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**From:** Angus Taylor  
**Sent:** Tuesday, 13 August 2019 3:10 PM  
**To:** 'ec.sen@aph.gov.au'  
**Cc:** Josh Manuatu; DLOTaylor  
**Subject:** Correspondence from the Minister for Energy and Emissions Reduction [SEC=OFFICIAL]  
**Attachments:** 20190813 - Letter to Senator Janet Rice, Chair Senate E&C References Committee.pdf

Please see attached correspondence from the Minister for Energy and Emissions Reduction.

Yours sincerely

**OFFICE OF THE HON ANGUS TAYLOR MP**  
**Minister for Energy and Emissions Reduction**  
**Federal Member for Hume**

**T: +61 2 6277 7120 | [www.angustaylor.com.au](http://www.angustaylor.com.au)**

## Josh Manuatu

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**From:** [REDACTED]  
**Sent:** Tuesday, 27 August 2019 1:59 PM  
**To:** Josh Manuatu  
**Subject:** FW: Inquiry into Australia's faunal extinction crisis - Questions on notice and proof Hansard - 23 August 2019 [SEC=OFFICIAL]  
**Attachments:** Sydney - 23 August 2019 - Proof.docx; Written QoNs for 23 Aug 2019 hearing.pdf

Hi Josh,

The Hansard has come through just this afternoon.

Please see attached.

Please let me know if there is anything else that you need.

Thanks

[REDACTED]  
Parliamentary Services  
Corporate Strategies Divison  
**Department of the Environment and Energy**

✉ GPO Box 787, Canberra ACT 2601

📞 [REDACTED]

📞 [REDACTED]

💻 [REDACTED]@environment.gov.au

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**From:** [REDACTED]  
**Sent:** Tuesday, 27 August 2019 1:57 PM  
**To:** [REDACTED]  
**Subject:** FW: Inquiry into Australia's faunal extinction crisis - Questions on notice and proof Hansard - 23 August 2019 [SEC=OFFICIAL]

---

**From:** Dean Knudson  
**Sent:** Tuesday, 27 August 2019 1:41 PM  
**To:** [REDACTED]@environment.gov.au>  
**Subject:** FW: Inquiry into Australia's faunal extinction crisis - Questions on notice and proof Hansard - 23 August 2019 [SEC=OFFICIAL]

---

**From:** Committee, EC (SEN) [<mailto:ec.sen@aph.gov.au>]  
**Sent:** Tuesday, 27 August 2019 1:05 PM  
**To:** Dean Knudson <[Dean.Knudson@environment.gov.au](mailto:Dean.Knudson@environment.gov.au)>  
**Subject:** Inquiry into Australia's faunal extinction crisis - Questions on notice and proof Hansard - 23 August 2019

### SENATE ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE

Dear Mr Knudson

**Inquiry into Australia's faunal extinction crisis**  
**Questions taken on notice, additional questions and proof Hansard**

I enclose a copy of the proof Hansard of evidence you gave to the committee at the public hearing in **Canberra** on Friday, **23 August 2019**. A copy of the proof Hansard is also available on the inquiry webpage.

[Link to proof Hansard](#)

*Answers to questions taken on notice*

If you took questions on notice during the hearing or undertook to provide additional material, your response should be provided by **COB Friday, 6 September 2019**. If you are unable to do so by this date, please contact the committee secretariat.

*Additional questions on notice*

Following the hearing, **the committee has provided further questions on notice for the department**, which are also attached to this email. Please note that **answers should also be provided by COB Friday, 6 September 2019**.

*Corrections to proof Hansard*

It would be appreciated if you would review the proof Hansard and **mark any corrections in red on a hard copy** and scan and email it to the secretariat at [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au) by **COB Friday, 27 September 2019**. Please do not use track changes. If you do not wish to make any corrections, there is no need to respond to this email.

Corrections should be restricted to typographical errors and errors of transcription. New material cannot be introduced, the sense of the evidence cannot be altered and the evidence cannot be edited to improve expression or grammar. Such corrections will not be accepted.

Please note that once the official Hansard is published on the website, no further alterations will be possible.

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If you require any further information please contact the committee secretariat.

On behalf of the committee, thank you for your contribution to the inquiry.

Yours sincerely

Stephen Palethorpe  
**Secretary**

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COMMONWEALTH OF AUSTRALIA

# Proof Committee Hansard

## SENATE

ENVIRONMENT AND COMMUNICATIONS REFERENCES  
COMMITTEE

**Australia's faunal extinction crisis**

(Public)

FRIDAY, 23 AUGUST 2019

CANBERRA

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## SENATE

### ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE

Friday, 23 August 2019

**Members in attendance:** Senators Fawcett, Gallagher, Rice, Marielle Smith, Urquhart.

#### **Terms of Reference for the Inquiry:**

To inquire into and report on:

Australia's faunal extinction crisis, including:

- a) the ongoing decline in the population and conservation status of Australia's nearly 500 threatened fauna species;
- b) the wider ecological impact of faunal extinction;
- c) the international and domestic obligations of the Commonwealth Government in conserving threatened fauna;
- d) the adequacy of Commonwealth environment laws, including but not limited to the Environment Protection and Biodiversity Conservation Act 1999, in providing sufficient protections for threatened fauna and against key threatening processes;
- e) the adequacy and effectiveness of protections for critical habitat for threatened fauna under the Environment Protection and Biodiversity Conservation Act 1999;
- f) the adequacy of the management and extent of the National Reserve System, stewardship arrangements, covenants and connectivity through wildlife corridors in conserving threatened fauna;
- g) the use of traditional knowledge and management for threatened species recovery and other outcomes as well as opportunities to expand the use of traditional knowledge and management for conservation;
- h) the adequacy of existing funding streams for implementing threatened species recovery plans and preventing threatened fauna loss in general;
- i) the adequacy of existing monitoring practices in relation to the threatened fauna assessment and adaptive management responses;
- j) the adequacy of existing assessment processes for identifying threatened fauna conservation status;
- k) the adequacy of existing compliance mechanisms for enforcing Commonwealth environment law; and
- l) any related matters.

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**MELVILLE, Dr Jane, Senior Curator, Terrestrial Vertebrates, Museums Victoria**

**MICHAEL, Dr Damian, Senior Research Fellow, Charles Sturt University**

**SARRE, Professor Stephen, Private capacity**

**SHARP, Ms Sarah, Committee Member, Friends of Grasslands**

*Evidence from Dr Hocking, Dr Melville and Dr Michael was taken via teleconference—*

**Committee met at 09:01**

**CHAIR (Senator Rice):** I declare open this hearing of the Senate Environment and Communications References Committee inquiry into Australia's faunal extinction crisis. I begin by acknowledging the traditional owners of the land on which we meet—the Ngunawal and Ngambri people. I pay our respects to elders past, present and emerging and acknowledge any First Nations people who are with us today or listening in.

On behalf of the committee, I welcome everybody here today. This is a public hearing and a *Hansard* transcript of the proceedings will be made. The hearing is also being broadcast on the Australian Parliament House website. Before the committee starts taking evidence I remind witnesses that, in giving evidence to the committee, they are protected by parliamentary privilege. It is unlawful for anyone to threaten or disadvantage a witness on account of evidence given to a committee and such action may be treated by the Senate as a contempt. It is also a contempt to give false or misleading evidence to a committee.

The committee generally prefers evidence to be given in public but, under the Senate's resolutions, witnesses have the right to request to be heard in private session. If a witness objects to answering a question, the witness should state the ground on which the objection is taken and the committee will determine whether it will insist on an answer, having regard to the ground which is claimed. If the committee determines to insist on an answer, a witness may request that the answer be given in camera. Such a request may of course also be made at any other time.

I now welcome a panel of experts on grasslands threatened faunal species and ecological communities. I understand that information on parliamentary privilege and the protection of witnesses has been provided to you. I now invite you to comment on the capacity in which you appear before the committee today.

**Ms Sharp:** I am a representative of Friends of Grasslands, which is a community group in the local ACT and New South Wales region.

**Prof. Sarre:** I am a professor of wildlife genetics and a conservation biologist at the University of Canberra.

**Prof. McIntyre:** I am appearing as a private individual.

**Dr Hocking:** I am an adjunct senior lecturer at La Trobe University. I have been involved in grassland research and management for about 25 years.

**Dr Michael:** I am a senior research fellow at the Institute of Land, Water and Society at Charles Sturt University, and I've been working in grassy woodlands for the past 20 years.

**Dr Melville:** I am the senior curator of terrestrial vertebrates at Museums Victoria in Melbourne. I have been doing research on conservation, genetics and ecology of lizards in grasslands for about the last 20 years.

**CHAIR:** Thank you. I now invite you to make a short opening statement. At the conclusion of your remarks, I will invite members of the committee to ask questions.

**Ms Sharp:** I am a grassland ecologist by trade. I have close to 30 years experience working in grasslands. My primary interest, personally, is in the plants in grasslands. The major point I want to make is that no fauna can exist outside their habitat, and that habitat moves beyond just a little fragment; often, it is within a much wider landscape. It's important, therefore, to be looking at that in a very holistic and biodiverse sort of way. That leads to my second point: the stewardship of land is extremely important. You have to look at this outside the reserve system, outside the small fragments that might be looked after for conservation; you have to look at the role of other landholders and land users. Also, it is the responsibility of the entire society to be looking after these things. The general community, the conservation community, the landholders and the traditional custodians of the land all have a role in these things.

The other thing I would like to say goes to the importance of this for climate change. National ecosystems and grasslands, and the species that are in them, are providing us with resources that go far beyond just esoteric

conservation. They are critical to the survival of humans, I believe, and changes and resilience in this time of climate change. I therefore think it is the responsibility of everybody to be looking after these things and thinking about how they fit into our climate change scenario.

**Prof. Sarre:** I am here because I've been working on one of the endangered reptile species that inhabits the grasslands—the grassland earless dragon. I have been studying that since 2006 with students and colleagues. I view this species as a bit of a talisman for the grasslands in general. We thought at one stage that there was one species, but it turns out that there are four. At least one of those species has not been seen for 50 years and is likely extinct, and another hasn't been seen for 30 years. I've been studying the two remaining species—one that is pretty well endemic to Canberra and another that is on the Monaro tablelands. I'm sure Jane will be able to tell you a bit more about how it came to be that we ended up with four species rather than one. That is an example of how we just did not know what sort of cryptic diversity existed.

Grassland earless dragons are now an endangered species. I think their status will be re-examined shortly, but the situation has worsened in the last 20 years, not improved. There seem to be some key factors involved. The main factor of course is the loss of grasslands. Nationwide, we have less than one per cent of what was originally here 200 years ago—shocking destruction of a habitat type and a vegetation type. What habitat remains is often degraded by land-use practices. In Canberra, we have a particular problem: fragmentation of remaining populations by urban development. On top of that—and it is what I have been studying for the last five years or so—is the impact of climate change. Grasslands get extraordinarily hot, at least in Canberra. At ground level, they get to over 73 degrees on a day that is in the high 30s. The ambient temperature might be in the high 30s, but on the ground, as experienced by plants and animals, it is extremely hot. They can't survive in those temperatures. With the increases in temperatures that we have seen in the ACT over the last 20 years, that is quite possibly a critical extinction factor as well.

**Prof. McIntyre:** I have worked in rural landscapes throughout New South Wales and Queensland for most of the last 40 years with CSIRO and universities. I've been researching and observing the effects of farming and grazing practices on the biodiversity and productivity of grassy ecosystems over that time. I also served on the Threatened Species Scientific Committee for three years from 2012. In that position I became quite aware of the extent to which limited resources are affecting the effectiveness of the EPBC Act and the recovery actions taken.

The ongoing decline of Australia's fauna is matched by the ongoing decline of its plants and invertebrates. The greater focus on fauna is a reflection of a greater popular interest in animals and a relatively greater number of experts in the field of ecology. However, in rural landscapes the causes of decline of all groups of native species—plants and animals—are the same.

The EPBC Act has some very important functions but has not been effective in delivering protection in rural areas. Intensification of agricultural land use is the root cause, and it is not being sufficiently addressed. By 'intensification' I mean the expansion of crops, sown and fertilised pastures, and horticulture. These activities can be highly productive and require high inputs. So, intensification equals high inputs and extensification equals low inputs.

I know that the department is giving evidence later today. It would be valuable to ask them what proportion of the EPBC Act referrals have related to agricultural practices in comparison with mining and urban development. Then you could compare this to what we know, which is that some of our most endangered ecosystems are in agricultural areas. These are the grassy woodlands and grasslands that have formed the basis of our farm production until very recently. The EPBC Act doesn't take into account the cumulative effects of agricultural intensification over entire landscapes. Indeed, we don't have any effective systems at the moment for this sort of landscape planning. The simple fact of the matter is that, in order to avoid the loss of native species, we have to give them space on the landscape. Not all native species require dedicated conservation reserves to survive, but very few species can complete their lifecycles in a landscape that is dominated by cropping.

Research has shown that intensive farming should not exceed a third of the landscape. In many regions this threshold of sustainability has been well exceeded. Beyond that threshold we begin to lose not only species but also critical functions that keep the water clean, keep the soil in its place, stabilise pasture productivity and keep our crops pollinated. Low-input land uses such as grazing on native pastures, if well managed, are quite compatible with many native plants and animals thriving. Low-intensity land uses provide economic value in a range of diverse ways—directly through businesses and indirectly through the many ecosystem services provided. Moreover, the threat to native species is much reduced in this type of land use. So federal environmental legislative provisions need a whole-of-landscape approach which considers limits to intensification and which supports low-input agricultural practices.

**CHAIR:** Dr Hocking, shall we start with you on the line?

**Dr Hocking:** I would just like to say at the start that, listening to those other witnesses present, I would pretty much agree with the things that they have said. A couple things I was going to say I think have already been picked up by some of the others. I think that probably suggests or confirms that we know a fair bit about the basic ecology and management of native grasslands, having now had about 35 or 40 years of experience. My primary experience is in basalt plains grasslands, but I have worked on some of the other grasslands, like the ones in Canberra and what's now known as the south-eastern highlands grasslands as well. So I do have experience across some of that range, which wasn't in my initial submission.

One of the things that we know is that the tussock grasses form the base matrix for native grasslands. They're quite resilient if that matrix is kept in place—that is, you've got tussock grasses forming that matrix or other equivalent grassy species. If that matrix is removed, it's actually quite difficult to get back. A lot of the high biodiversity value plants and animals live amongst that matrix. What we have is now a remnant system of the once expansive grasslands, what was known as the Australia Felix. Australia grew to prominence on the sheep's back, and the sheep ate the native grasses.

This heritage that we have has virtually shrunk down to around one per cent or less, and a lot of those remnants are now actually subsets—that is, they're less than whole, though still very valuable. They can be quite resilient and they can be very valuable. Just a couple of quick examples. There are instances in lots of places where a pipeline has been put through a native grassland, the native grasses are torn up, you get massive weed invasion and the boundary between that pipeline and the native grass sits there alongside for many, many years. So there is a high level of resilience of even small patches of native grasslands if they're kept with that basic matrix intact.

The other thing is that these different remnants may contain different values, and those values aren't always apparent. We had the experience of discovering just over 30 hectares of native grassland next to the campus I worked on out in the west of Melbourne. It was pretty low quality in terms of plant biodiversity but we, by chance, discovered that there were striped legless lizards living in that grassland, and over time we were able to do surveys on that and found it's in fact the largest population in existence of the striped legless lizard, which you also have in Canberra. So that's a key population that was unknown prior to that. It wouldn't have been evident that that was there in those 30 or 35 hectares prior to somebody looking. It's now surrounded by houses, but that population is monitored along with some of the other endangered plants, and they seem to be surviving okay within that sort of limited context. I suppose the take-home message is you can have some smaller patches that are really quite resilient and valuable.

We are seeing changes happening with climate change. We don't know what they are. What we do know from ecology is that the more of these patches you have kept, the higher likelihood there is of actually some of these surviving into the future with the effects of climate change.

Certainly in semi-urban areas we've had an experience now of about 15 or 20 years of offsets. That really hasn't been successful—the idea of allowing some grassland areas to be taken away and then trying to upgrade other areas of grassland as an offset compensation. There have been some recent reports here about that. Particularly, the Western Grassland reserve set aside by the state government here hasn't really been successful, and I can't really see how that can be successful. If it were to be, there would need to be a lot more attention paid to the outcomes of those offsets and a lot more resources put into that approach.

My last comment is in relation to the involvement of community and learning in relation to grasslands. Sarah Sharp referred to this as well. It's around that notion of stewardship. Grasslands—probably like most ecosystems now, but grasslands in particular—need a form of active management to be maintained, and they need an informed approach to that. There are many people—like friends groups, in semi-urban areas, or farmers—who value native grasslands and are able to do that type of active management. There are lots of successful examples of that, and there are lots of examples of farmers, or people in the agricultural space, valuing these areas and, I suppose, that more general trend that a lot of people in an agricultural setting are now coming to the view that biodiversity in the landscape is actually a very positive thing and has lots of positive economic and social benefits as well as the intrinsic benefits of the retention of the species themselves.

In terms of the EPBC Act—and I think other people have made this point—in principle, it's a good act; in practice, it really isn't performing its function. An example is that the notion of 'critical habitat' needs to be taken out of a political context and put into the hands of an independent assessment process. Critical habitat is deemed to be habitat that's critical to the survival of a species—that is, if you take away that habitat, the species will be pushed towards extinction. And yet we've had very few examples where critical habitat has either been identified or enforced properly under the EPBC Act. I think I'll leave my comments there.

**CHAIR:** Thanks very much, Dr Hocking. Dr Melville?

**Dr Melville:** I agree with everything that's been said so far. There's been a perspective from the ecological side of things. My expertise is possibly more in the genetics side of things and, being a museum person, in taxonomy, which is the discovery and description of species. I've been working on grassland species for about 20 years now—including the grassland earless dragon and the striped legless lizard, which have been mentioned already—working from Queensland down to Victoria, across to South Australia.

There are a couple of points that I want to make. These threats that people have been talking about—in particular, the fragmentation and degradation of habitats—lead to impacts at a population level in the genetics of species. When you're looking at the genetic health of a species with small, isolated, fragmented populations—say, in the case of the legless lizard—you might get quite a few individuals in there but, when you actually look at the genetics, you can see that there are spikes in inbreeding and a loss of genetic diversity because they're in small, isolated, fragments of habitat which can't connect to other habitat.

The second point I want to make, and I think it is particularly important, is about the lack of understanding of the diversity of species across the board. This isn't just fauna; this is flora as well. We don't actually know that much about what we actually have in these grasslands. An example is the grassland earless dragon. This is a vertebrate species, a lizard, and you would think that we would know everything about it. But just in the last 15 years, from Northern Queensland down to Victoria and across to South Australia, I've described seven new species. These are species that occur in small, fragmented habitats. The majority of them have been, or will be, listed as some form of endangered or critically endangered, with two of them potentially already extinct. So we've got lizards that we didn't even know were there. It's very difficult to have optimal management of species when we don't even know what's there. Then, when you look at the invertebrates, they are almost a complete unknown.

So there's a significant lack of understanding of the biodiversity of these grasslands. Then you have to have the skills base and the number of taxonomists required to describe the species. It is the descriptions of species upon which the EPBC Act develops the conservation management programs, so you need species to be able to develop these. There's a real lack of a skills base and resources to provide that information to the ecologists so they can go out there and find out about these species. I think that's what I wanted to say. Thank you.

**CHAIR:** Thanks, Dr Melville. Finally, Dr Michael.

**Dr Michael:** Good morning. Thank you, everyone. There have been some really good points raised already, so I'll try not to repeat some of them. Over the last 20 years I've been primarily involved in monitoring reptile diversity in agricultural landscapes, particularly grassy woodlands and grasslands in south-eastern Australia. In a recent review of the response of reptiles to revegetation and restoration in general, drawing on almost 20 years of monitoring data, we found that key natural resource management practices such as modifying grazing regimes, fencing out livestock from remnants and revegetating the landscape with wildlife corridors were not translating to significant improvements in reptile diversity. That's important because these are some of the main instruments that we've got in our toolkit to try to improve biodiversity. But I guess it's not surprising given that we know the vast majority of grassland reptiles are reliant on things like intact soil cover, native grass cover and, where they occur, shelter sites such as fallen logs and surface rocks.

If I focus on surface rocks in particular, they're considered a critically important habitat for a wide range of vertebrate species. Three EPBC-listed threatened species are reliant on surface rocks in the landscape, where they occur. Jane and others have already mentioned some of them: the grassland earless dragon, which is now split into several species; the pink-tailed worm-lizard; and the striped legless lizard. Paddock rocks have been picked up and removed from the landscape ever since early settlement. However, my concern is that, in the last three to four years, there has been a massive resurgence in rock removal from agricultural landscapes. There's new technology that exists now—which has been developed for Western Australian laterite soils—which is being used to remove rocks from these grasslands and grassy woodlands in south-eastern Australia. Rocks are no longer being picked up, stockpiled or relocated along fence lines. They can now be crushed and put back into the soil at a rate of almost one hectare per hour. I find this quite alarming.

The removal of bush rock is listed as a key threatening process in New South Wales under the Threatened Species Conservation Act. However, like many things, routine agricultural activities are exempt from its activity. Unchecked, this new wave of habitat loss will have massive implications for threatened grassland species such as the ones we've mentioned already. There are experiments underway to see if it's feasible to restore rock habitat for threatened reptiles. But irrespective of these outcomes, restoring rock habitat at the scales required to reverse the declining trends is really not going to be practical. Thank you.

**CHAIR:** Thanks, Dr Michael. It's a really thorough beginning, I think, of the extent of the issues facing grasslands fauna and flora. I'll kick off. I wanted to remind all of us we have also got Senator Urquhart and Senator Smith on the line, which I forgot to mention at the beginning of the program. All of you have mentioned a



range of threats to these species. I wanted to focus in on what you see the key threats as being. In particular, perhaps I could take you to the areas where grasslands are remaining, and in these agricultural landscapes what the threats and what the driving forces behind those threats are. Does anybody want to summarise those threats and why it's occurring, from your perspective?

**Ms Sharp:** I think a major threat is weeds. It comes up again and again. The grasslands have been particularly vulnerable to weed invasion through their use for agriculture and various elements of ploughing. One of the interesting things about grasslands is that they can, perhaps, handle a tiny bit of ploughing—maybe once—but nutrient addition, fertilisers and soil disturbance, is something that changes their structure, their diversity, enormously. The resultant weed invasion is a massive problem—more in these systems than in other ones but in all agricultural systems.

I think it was Colin who mentioned the requirement for active management. Grasslands can get overgrown. Grasslands aren't just grasses, that's the most important thing. A high component of grasslands in good condition is that they have a range of other species. They have other herbaceous species—flowers, daisies, lilies and orchids. They also have ferns, fungi and algae. It's like a little world. Instead of in your trees, your mid story and your ground story, you've got it in your grasses and other things. Think of yourself as a little thing down the bottom. It's the equivalent. With that comes those cryptic animals that live in those areas. It's not your pandas, your koalas and your other things. Biomass control of the grasses is also really important to maintain that structure that allows these things to live. You're looking for a diversity of structure in these systems, so biodiversity.

It's only starting to come back that fire is probably a really important part. That's complicated by the fact that you've now got fragmented species, so you've got limited populations of species. What does fire do to those species? And what is the effect of fire on weeds? There are some massive weed problems that need to be managed. Any work with any fauna has to include management of this extraordinarily complex ecosystem.

**CHAIR:** Thanks, Ms Sharp. Dr McIntyre?

**Prof. McIntyre:** Yes. In some regions, particularly the tablelands of New South Wales and southern Queensland, there are still a lot of native dominated grasslands and dry grasslands. The key threats are exactly as I've mentioned: the use of fertilisation and so on. What happens is that every time a piece of land changes hands the new owner decides that they want to do some new enterprise, and often that enterprise might be some horses, some free-range pigs or some chickens. They seek advice. They're told, 'You might want to improve the pastures and so on.' So there's a constant churn of landownership, where bright new people who don't really understand the system at all and what they're losing by doing these things are encouraged to do these things. The reason they're encouraged to do things is it involves selling outputs and it promises greater yields. But it doesn't necessarily deliver, in the longer term, the ecosystem services that people want. To me, that's a big driving force, that constant focus on doing something that's farming or, if you're a broadscale farmer, improving your yields. There's a huge push from all parts of society to do that.

**CHAIR:** On private land, agricultural land, where these grasslands occur, how much awareness do you feel there is from landowners about the fact that they've got native grasslands, what they're grazing on and the value of those grasslands?

**Prof. McIntyre:** Very little, I'd say. In the last 15 years I've worked locally with the Landcare group, and there is always a very small knot of people who are passionately interested and active. The vast majority of people simply don't understand what they're standing on or looking at. Grasslands are fairly subtle creatures and they look pretty ordinary much of the year. Because of the way we manage them, there are very few spectacular wildflower displays, so they don't get the aesthetic appreciation that you can see when you've got your eye in. There's very little awareness, in my experience.

**Dr Hocking:** If I can pick up on that point, one of the underlying issues is the issue of valuing these native grasslands. Where native grasslands come to prominence, it's often in the media as, 'Well, they're in the way of something.' They've been in the way of something, probably, since the Second World War. Prior to that, they were actually valued, because they were the pasture on which a lot of Australian agriculture, particularly grazing agriculture, was based. They're often now cast as being a problem rather than an asset. We've lost the landscape scale—what do you call it?—oversight or curation of these things. We used to have things called extension officers in agriculture who had an understanding of these things and could develop that.

I was on the National Chilean Needle Grass Taskforce. I don't know whether any of the senators know about Chilean needle grass, but it's one of our worst invading weeds. It has high impacts for agriculture, grazing and biodiversity. We were able to bring together the people interested in native grassland biodiversity, and the

invasion of Chilean needle grass into that space, along with agriculture. We all learnt a lot together about that. In that process, there was a revaluing of native grasslands in that agricultural landscape scale, particularly for native grassland resilience in times of dry conditions and resistance to invasion and the processes that we were using to remove it.

It is possible to have that combination of an agricultural perspective and a biodiversity perspective. In fact, that's what's needed. But what we don't have is the valuing of native grasslands in the landscape and knowledge of that, and we've lost the resources or people on the ground to get in and work out what the solutions and the approaches are for communities on the ground who will be needed to manage these areas.

**CHAIR:** Thank you. I want to go to the temperate grass—sorry, is there somebody else? Dr Melville?

**Dr Melville:** I just wanted to say something really quickly. I wanted to point out that there's less than two per cent of the temperate grasslands intact from what there naturally was. Agriculture is probably the major impact, but an increasing impact, particularly around Melbourne, around Canberra and up around Bathurst, in the high plains up there, is urban encroachment. Just as an example, the Victorian grassland earless dragon hasn't been seen for 50 years now, but, looking at the historic records, it occurred in St Kilda in Melbourne, in Essendon and down near Geelong. This is its natural habitat. So increasing urban encroachment, not just agriculture, is a problem.

**CHAIR:** I think that's an important point. Two per cent is amazing, if you think we've lost 98 per cent of it. It puts in context how important what's remaining is.

**Prof. McIntyre:** Can I just make a point of clarification. There would appear to be a conflict between me saying there's a lot of native grassland and the fact that there is only two per cent left. The listed ecosystem is what's considered natural native grassland in temperate areas, but there is a very extensive ground layer that is native dominated and shares many of the species, and it extends right up through the whole of eastern Australia and into Queensland. I'm referring to what are generally called 'derived native grasslands', where the trees have been taken away but they're still using the ground layer for pasture production.

**CHAIR:** That's in addition to the two per cent that's intact natural native grassland systems?

**Prof. McIntyre:** That's right, yes.

**CHAIR:** I want to go to the temperate grasslands—particularly in the ACT and the Southern Highlands of New South Wales—and the Friends of Grasslands submission. Ms Sharp, in your submission—and it goes to how much is known by those communities—you say that the Commonwealth has stayed silent re deliberate clearing of the grasslands. I'm interested to know why you feel that was the case. Do you feel that the clearing that has gone on is deliberate? How much knowledge of the fact that there are grasslands there amongst agricultural communities do you feel there is?

**Ms Sharp:** That's a complicated question with a complicated answer. One of the issues is that there is a disparity between state and Commonwealth and ACT. You've had this devolution of responsibilities, under the EPBC Act, to the states. In the ACT, natural grasslands were first listed as a threatened community in 1994 or 1995, and under the Commonwealth act it was very close to that; it was about 2000. That followed very soon after the EPBC Act being introduced and implemented. I think it was the very first community that got listed. In New South Wales, though, 25 years later it still isn't listed, although you have an enormous area—and that is the issue—in New South Wales, on the Monaro plains, of natural grassland. So you've got this disparity between the different areas and the different ways that it actually is being implemented. In the case of New South Wales, they don't have it listed themselves but they have a responsibility to undertake actions to protect the grasslands under the Commonwealth legislation. There are enormous pressures on these areas. Exactly as Sue says, the people come in and they want to change landscape. The Monaro grasslands have been highly valued for their sheep and wool production for many years. That really sits very firmly on the native grasslands—native grasses and forbs, herbaceous species, that the sheep eat. That takes them through winters. It takes them through bad times. With the costs of sheep going down, that also changes. I hope I'm answering your question. The issue, I think, is in compliance. It's whether these things are happening.

**CHAIR:** Do you think those farmers on the Monaro tablelands who have got native grasses on their properties know that they've got them?

**Ms Sharp:** That's an interesting question. I think it's no coincidence that we have all been working on these things for 20 or 30 years. It was in the early 1990s that people suddenly realised that these things are important, they are not just sheep paddocks. I think there has been a change in that 20 or 30 years. I don't think people necessarily knew what they had. But they valued what they had. I think it's increasing. It's exactly as Sue says.

When you talk to local officers in councils and so on, they complain that new people come in and they just get a swathe of weeds coming through—because they don't know what to look after.

**CHAIR:** In terms of your comments on deliberate clearing, was that referring to the reported alleged poisoning in the Jam Land development?

**Ms Sharp:** That's one, but I think it is happening a lot. It is happening silently in the background. Sometimes it is very deliberate. There is vegetation clearing legislation in New South Wales so you are not supposed to be able to clear it. Well, just before that came in, there was massive clearing. So people feel limited and, I think, affronted because they feel like they're the owners of the land. I think we need to learn a lot from that, to say that we are custodians and that's all we are.

**Senator GALLAGHER:** Ms Sharp, thank you for your evidence. We have temperate grasslands that are listed as critically endangered under the EPBC Act and in the ACT because it is listed under ACT legislation. But it is treated differently in New South Wales because it is not listed under the New South Wales act as it is in the ACT. Is that the issue? I'm trying to understand why the Commonwealth would treat something differently under the same legislation in the ACT than it would in New South Wales.

**Ms Sharp:** I don't think it is a difference by the Commonwealth—and by the Commonwealth officers and responsibilities. But I think that because it is not listed in New South Wales it lowers its value and importance in New South Wales under New South Wales legislation.

**Senator GALLAGHER:** But the response from the Commonwealth should be the same if there was clearing of that land—if it occurred in the ACT or if it occurred in the Monaro it should elicit the same response from the Commonwealth?

**Ms Sharp:** Absolutely. But with a weakening of the processes by devolving some of those responsibilities, I think you don't have that same presence. In the same way, an enormous issue is actually following up with compliance. It is an absolutely massive issue.

**Senator GALLAGHER:** So that's how it links with compliance activity?

**Ms Sharp:** Yes.

**Senator GALLAGHER:** Because it's devolved to New South Wales state regulators, the response is perhaps not what it would be in the ACT?

**Ms Sharp:** It's complicated. I don't want to cast aspersions on anybody but I think it is very complicated when you don't have two arms with the same objectives coming in together with the same level of legislative protection. I think it's confusing.

**Senator GALLAGHER:** You say in your submission:

Additionally, staff of the Commonwealth Department of the Environment have been restricted from sharing information on their work on threatened species. Lack of transparency is a hallmark of the current government.

Could you explain what you mean there, particularly in relation to restriction on the sharing of information and the lack of transparency?

**Ms Sharp:** I wasn't involved in that particular part of the submission, so that is a bit more complicated. I think I can only put that into a more general comment that as a community group and as individuals—the general community—people don't necessarily see what is happening and what is going on. I think I know where this is coming from. When you're told that an offset is going to be put in place as a result of clearing there is not necessarily any transparency about where that offset is, why it is being chosen and how it is going to be looked after. There is a classic one in the ACT where there is an area that has a completely odd shape in the middle of a paddock and that's the offset. It's a little area in the middle of a paddock. As far as we understand it, it is not even a paddock boundary. How do you manage that? I'm sure that's what we're referring to in that quote.

**CHAIR:** Are those offsets or compliance activities influenced by political implications or political pressure?

**Ms Sharp:** There is always political pressure, I guess. Sticking with that example for a moment, if you are going to have an offset, it has to be somewhere it is not going to be used for development later or something else. So there is a political element there. It's a difficult one. It is not just political; it is a whole range of other things. As has already been said, it does not value the natural values of what they can and do provide to us as human beings in the same way as mining or agricultural or other areas and the amount of money that goes to that and saving those areas. It's always: 'Let's find a solution quickly and get it out of the way and then move on.' I think that's the general concern.

**CHAIR:** You say in your submission that 'attempts to do this within the New South Wales government appear to have been blocked by certain interests which promote clearing of natural temperate grasslands.' Could you expand on that?

**Ms Sharp:** I think that is a direct concern about the Monaro grasslands—that there is massive pressure there to not declare it because there is a feeling that it will limit the utilisation of that land.

**CHAIR:** Where is that pressure coming from?

**Ms Sharp:** I think the farming community.

**CHAIR:** The farming community across the board, or particular individuals?

**Ms Sharp:** I have no idea and I wouldn't want to say. I think there is a disparity between how people want to utilise the land. There is such a lot of push now that we should be eating more vegetables and less meat—and that meat is a climate change issue. But you have an enormous amount of land where cropping would be absolutely crazy—and the water use and that sort of thing. The Monaro is a dry area; it is a cold, semi-arid area, effectively.

**CHAIR:** You talked about compliance earlier. Others also might like to give some views on the level of compliance activity, the level of follow-up where there has been clearing or degradation occurring. How effective has that been and do you think that is potentially influenced by particular stakeholders?

**Ms Sharp:** I don't feel very confident. I hope other people might have more information on that than I do. All I know is that it very seldom happens and it is extremely drawn out. I have a feeling that people feel that compliance or non-compliance isn't followed up, so it isn't a threat.

**CHAIR:** So they don't think there are going to be any repercussions from clearing or other degrading activities?

**Ms Sharp:** I don't think so. That's my opinion.

**Senator GALLAGHER:** Is anyone on the panel aware of any compliance action that has been taken in relation to the clearing of critically endangered temperate grasslands that has been handled well?

**Dr Hocking:** There have been some cases in Victoria where there has been deliberate clearing in advance of some new legislation coming in and there have been substantial fines. I don't have the details in front of me. That has had the effect of bringing people's attention to the value of grasslands. That was probably about 10 or 15 years ago.

**Senator GALLAGHER:** In Victoria, is it?

**Dr Hocking:** Yes.

**Dr Melville:** I know of that in Victoria as well.

**Dr Hocking:** What happened subsequently was that the process of offsetting was developed. Offsetting is really a trade-off. There is no science behind offsetting; there is no adequate monitoring of what the impacts of offsetting are. A few people have attempted to evaluate the outcomes of offsetting—and it doesn't look good; in fact, it looks quite poor. For example, there have been areas of native grassland cleared that had striped legless lizards. A subset have been salvaged. Our estimate was that one in four or one in five were being salvaged. We had some techniques for determining the overall population and what percentage were being salvaged. There was a controlled and uncontrolled release of those animals in another grassland that had been rejuvenated. There were fairly low outcomes for those animals. If we are going to offset, we are going to salvage lizards, which has been happening over time. The little we know of the outcomes of that aren't positive—yet offsets are used as the major tool for getting rid of a problem, as Sarah Sharp said.

The other side of this is that, if you are going to have compliance, what you need is an active education and engagement process so that these areas that people have on their land are valued and the practices that are put in place are actively planned for and managed with people who have the experience of that. Once upon a time, that used to happen. It doesn't happen anymore. That resource has largely been taken away. We don't have much of an engagement with appropriate agricultural people with biodiversity knowledge in most of these landscapes anymore. We used to but we don't now.

**Dr Melville:** Due to the lack of evidence on the translocation of the salvaged striped legless lizards, they have suspended the practice now.

**Dr Hocking:** That's right. That's one example where we had a little bit of science behind that—largely unfunded, I would add, but there was some attempt at that. In many cases, there is very little science or follow-up on those practices.

**Prof. McIntyre:** I would like to make a comment on offsets. The right thing is done with offsetting; in the ACT, that certainly appears to be the case. The difficulty with offsetting is that it is almost a downward ratcheting situation. You can take an equivalent area which may be larger but of lower quality—and there are certain assumptions made about the improvement that can be made or will naturally occur if you take the livestock off it or something like that—but there is not much evidence that you do get these rather optimistic improvements. And there are some elements that are completely irreplaceable. In the case of endangered grassy box woodlands, mature trees are completely irreplaceable and are being cut down all the time.

At the end of the day, regardless of the kind of no net-loss intention, clearing or destroying a native grassland is destroying a native grassland. It is a downward-ratcheting thing. The other question I'd ask—and I'm not an expert on this—is: what happens to the offsets when the development pressures start to move further out to where those offsets are now? Are they guaranteed a future? My understanding is that they're not.

**CHAIR:** They're not. That's certainly the other evidence put before this committee. It's been a big issue, particularly in the urban development of Melbourne, where the supposed offsets, in fact, were never actually even purchased.

**Prof. McIntyre:** Or protected in the long term.

**CHAIR:** And protected—that's right.

**Prof. Sarre:** Yes, I would have to agree that this concept is flawed. It's flawed because it's a net loss on most occasions. It assumes that placing an area of land under protection is actually going to be a long-term benefit—and that may or may not be the case, without sufficient resources. And there doesn't seem to be the resources put into a lot of these decisions as they're made.

**Senator FAWCETT:** I have quite a few questions, but, given the time, I don't know if we'll get to them all. There seems to have been an inference that intensification of agriculture is purely a profit-making activity by people who are unaware of the environment. I look at things like the development of direct drilling, which has a number of aims. One is to reduce the proliferation of weeds, one is to increase moisture retention in the soil and one is to improve soil structure. It's been proven to be very successful, particularly in my own state of South Australia with dryland farming. My sense is that people involved in agriculture are actually very aware of the environment and trying to use different techniques to increase productivity, but with an eye to getting rid of weeds, sustaining the productivity of the soil, improving soil structure et cetera. Do you accept that there can be productive use of land, from an agricultural perspective, that is aware of the environment?

**Prof. McIntyre:** Within a cropping set-up—if you are cereal cropping or whatever—there are certainly better and worse ways of doing it, and things like direct drilling and sod seeding are better ways of managing soil structure loss and so on. However, it doesn't get over the fact that a cropping land use is a diversion of most of the natural resource to the food item or fibre item that you're after. So, those cropping habitats are still insufficient for the persistence of the native fauna or flora in them. They might occasionally be used by them. As you know, you'll get a flock of cockies coming down into a crop. But that isn't a means by which cockatoos will survive in the long run, because they need old eucalypts to nest in and so on.

There are two issues here. Within an intensive land use, there are better ways of doing it, and there is certainly a lot of work being done to improve that; I have no argument with that. But then there is the bigger landscape issue: how much of the landscape is being diverted to situations where everything is being diverted to human use? That is usually in the setting of an orchard, a cereal crop, a cotton crop or a zoned pasture. Again, it's the totality of the landscape that will determine whether we lose many, many native species in the long run, and also whether we lose many of the ecosystem services that are provided by perennial native vegetation, including trees, shrubs and perennial grasses.

**Dr Melville:** Over the last 10 years or so, I worked with the Pittsworth Landcare group on the Darling Downs. I named the species there that lives on the Condamine floodplain—the Condamine earless dragon. They kind of took on that species as a mascot. Most of the Landcare group I was working with were local farmers—mainly the smaller land holdings there. And they were implementing low-tillage practices, maintaining verges, and slashing weeds rather than burning, and the lizards were surviving in the areas between fields. We even found them in the fields sometimes. But, over the last 10 years, more and more I've seen that these smaller land holdings are being bought and becoming large monocultures, with laser-levelling, and they're removing the edging around the fields which the lizards are living in. They're extending the tilled areas straight out to the edges of the road. I'm not sure what the legislation and rules around that are, but that's what I saw. And so these lizards that were managing to survive within these smaller, mosaic land holdings—the agricultural practices over the last 10 years have changed

dramatically. The local farmers, the smaller landholders in the Landcare group, can see that happening. So there are different kinds of agricultural practices, and it's changing through time.

**Dr Hocking:** If I can just pick up on that. I assume that was a question from Senator Fawcett because it referred to South Australia, is that correct?

**Senator FAWCETT:** That's correct.

**Dr Hocking:** Yes, I think it's really important that we don't get into a kind of either/or thing. Some of my early comments were that there are a lot of farmers out there who value native grasslands and who are looking at ways of managing those. I think there are a lot. And there are some new kinds of ways of looking at the landscape that are coming in. So I agree with you, Senator Fawcett: I think it's quite possible. In fact, I'd make the point that the remnants we have left are the remnants that actually survived previous practices—of grazing, in particular—they have come through, and this is what we now have. So it's quite possible that those things can be integrated as part of land management.

I think what we have is a subset of these farming practices where these things are being taken away and being taken off the edge, if you like—and that is of concern to a lot of people because that seems to be increasing. And it's a concern to a lot of people because there isn't adequate protection, either through engagement and on-ground, sort of co-planning how you manage these things, or compliance, in terms of the enforcement of things like the EPBC Act. When you have, now, a situation where these things are on the edge of extinction—a lot of the species in these things, and the whole community is listed as critically endangered—then taking away a small part of it has a very big impact. So on the one hand you have a lot of farmers who value biodiversity and are doing the right thing, and then you have a subset who aren't. And I think there's a very widespread concern that there isn't an adequate protection for those sorts of practices that are seriously eroding.

**Senator FAWCETT:** Can I go to the issue of invasive weeds. I think it was you, Dr Hocking, who talked about Chilean needle grass.

**Dr Hocking:** Yes, that's right.

**Senator FAWCETT:** My understanding is that serrated tussock, African love grass and a range of noxious weeds are more of a threat to the grasslands than anything. In my experience, spraying—the use of herbicides—is one of the best ways to control weeds once they've got there. But in your expert opinions, what are the optimal methods for controlling weeds once they have taken hold into an area, particularly if they've passed that 50 per cent threshold?

**Dr Hocking:** Without getting into a long discussion, and you may be aware of this as well, it's really selective removal. That can be physical removal or herbicide removal. That has to be done in a way such that the surrounding pasture, whether it's native or exotic, remains competitive—also knowing the biology of the species, what the seed bank is and the way in which that works. If you have people working alongside farmers, in the native context, where things like Chilean needle grass are invading, or in an exotic pasture, some of the similar principles apply. If you get a careful removal of those things and management over time, and a competitive replacement, if you like, or a bolstering of the competition around those weeds, that seems to be the best way of removing those persistent things like Chilean needle grass and serrated tussock.

What we found out through the task force was that we had a shared interest in finding out about that stuff. People who were more on the agricultural side, with less knowledge of the native pasture, came to appreciate that more, because it's quite resistant, although not totally, and people more on the biodiversity side were able to see how these weeds were promulgating across the landscape and what some of the most effective methods being used to control them were. So there was a kind of win-win, because people were in the same space, sharing information and getting information about what was most effective. When you have a decrease in the resources to do that, and when you have a taking away of the resources of people with agricultural expertise to advise and to get people together, then you take away the capacity to do that type of management.

**CHAIR:** Is there documentation of the effectiveness of that type of control?

**Dr Hocking:** Yes. That went into the Chilean needle grass task force management practices. That's sitting there now. In fact, I was looking at it in South Australia, because I was in South Australia recently, and they happen to have Chilean needle grass. It was a more local, regionalised version of what came out of that task force about how to approach and manage those particular weeds. It referred to management of those weeds in a native vegetation context and in the exotic context.

**Prof. McIntyre:** The first weapon in dealing with difficult weeds is to know what they look like. We've had this with African lovegrass coming into our district just in the last few months. The interesting aspect is that people only want to know what it looks like, but you can't know what it looks like if you don't know what it isn't.

In other words, you have to know most of your grasses to be able to say, 'That's different.' Obviously, early detection and getting onto small infestations, preferably by hand, is the only effective way to keep it out of a property. The lack of knowledge and understanding of grasses is a really important economic aspect of farming which I think is greatly neglected.

**Dr Hocking:** That's been one of the benefits of engagement with native biodiversity: people get to know what they have on their land. It is that very thing about identifying potential weeds coming into their property by encouragement of their active engagement and knowledge of what they actually have on their property.

**Senator FAWCETT:** I have a last question, from a technical perspective. You've talked about identifying the weeds. Are you aware of any work using remote sensing autonomous algorithms that can actually successfully distinguish between weed types and would allow spot spraying?

**Prof. McIntyre:** Yes. There's a lot of interest in trying to detect things remotely. In fact, I've done some research collaborating with someone to try and detect native grasslands from fertilised grasslands, which would be a massive breakthrough if we could do that effectively. The person moved on. The work wasn't finished. But the basic answer is no, not yet.

**Senator GALLAGHER:** Dr McIntyre, I think in your earlier evidence you said you were a member of the Threatened Species Scientific Committee. Is that right?

**Prof. McIntyre:** Yes.

**Senator GALLAGHER:** I have just a couple of questions about your experience. Did you say you sat on that for three years?

**Prof. McIntyre:** Three years, yes.

**Senator GALLAGHER:** I know there's been a review done by Dr Wendy Craik—and we're speaking to her later today—that was commissioned by the government. There are a couple of recommendations around the operations of that committee and the representation on that committee. Are you aware of the recommendations she's made?

**Prof. McIntyre:** No, I'm not; I'm sorry.

**Senator GALLAGHER:** Basically, in short, they are that nominations that are on their way to that committee should be available for public comment for a period of 30 days, after the department assesses that they comply with the regulations and should be referred to the committee, and that the time available for the Threatened Species Scientific Committee to prepare the proposed priority assessment list for the minister should be increased from a maximum of 40 business days to a maximum of 60 business days. I think there's also a recommendation that a scientifically qualified farmer—I think it uses a different word—

**Prof. McIntyre:** Yes.

**Senator GALLAGHER:** be appointed to the committee. From your experience in the operations of that committee, how would that affect the work of the committee? Do you think that's a sensible way forward?

**Prof. McIntyre:** The first one is the public declaration of a—

**Senator GALLAGHER:** Yes, notifying before it gets to you.

**Prof. McIntyre:** So it could be objected to.

**Senator GALLAGHER:** Presumably.

**Prof. McIntyre:** Yes. My reaction to that is it sounds like a politicisation of that role, in terms of the selection process, potentially. The second one was?

**Senator GALLAGHER:** It was about extending the days the committee has available to prepare the proposed priority assessment list for the minister, from 40 business days to 60 business days.

**Prof. McIntyre:** I don't think that would be a problem at all, given the total length of time it can take some of these things to get through. I don't think that's a problem.

**Senator GALLAGHER:** Has the committee had trouble meeting that time frame, the 40 days?

**Prof. McIntyre:** It's more the department meeting that time frame that's the problem, so they would have to comment on that. And the final one was?

**Senator GALLAGHER:** Appointing a scientifically—

**Prof. McIntyre:** Yes, a farmer.

**Senator GALLAGHER:** Yes, basically.

**Prof. McIntyre:** I'm aware there have been people with farming backgrounds on that committee before—as long as they had sufficient technical understanding.

**Senator GALLAGHER:** So it is a technical process that's gone through on that committee?

**Prof. McIntyre:** Yes. I mean, people are selected on the basis of their technical competence. It would have to be a very particular sort of farmer. But there are different roles for the committee, so there are some elements where an understanding of the farming systems would be useful and other areas where it's strictly about, 'What do you know about this organism and its biology and its distribution, and how do you understand how ecological communities work?' So there may or may not—the person I'm aware of who had a farming background on it was totally competent to be on it, but I could also see the potential for that stipulation as an attempt to maybe interfere with the functioning of the committee.

**CHAIR:** I want to follow up on that. Presumably, the committee can seek advice, so if it was a threatened species that had a particular interaction with farming systems the committee would seek advice.

**Prof. McIntyre:** Of course, yes. For example, I have 40 years working in farming systems, not as a farmer or a production person, so I could bring a lot of that. It's about the skill base. The idea of a farmer does sound like it has a specific underlying objective there, an underlying motivation. But certainly the idea of having farming skills, within the context of what that committee's trying to do, I don't think would be an advantage.

**Senator GALLAGHER:** Just finally—because I am aware we are out of time, and you have been very generous with your time this morning—from your experience in sitting on that committee, in the advice provided, was there ever a refusal of that advice to government?

**Prof. McIntyre:** From the minister?

**Senator GALLAGHER:** Yes.

**Prof. McIntyre:** No, just stalling.

**Senator GALLAGHER:** So not a rejection of the advice, but the time it took to progress the advice you'd given—

**Prof. McIntyre:** Yes, particularly anything involving farming.

**Senator GALLAGHER:** Did you say you sat on it from 2013 to 2016?

**Prof. McIntyre:** Yes.

**CHAIR:** Can you expand on what you perceived as stalling with anything to do with farming?

**Prof. McIntyre:** The grassy woodland ecosystems, whose main threats are farming, were always considered to be slightly awkward and tended to take a very long time to get through. I can't give you any specifics on that, but that's just my general impression.

**Senator GALLAGHER:** From the point where it left the committee for advice to the minister and it actually being stamped and listed?

**Prof. McIntyre:** Perhaps you could ask the department on the more recent one, which is the poplar box woodland recommendation, I think, because that was being finalised when I left in the committee, and I believe it has only been approved in the last month or so.

**Senator GALLAGHER:** We will follow that up.

**Prof. McIntyre:** So that would be how many years?

**Senator GALLAGHER:** Three. Thank you, Professor McIntyre.

**CHAIR:** Thanks, Professor McIntyre, and thanks to all of our panel for your time this morning. It's been really, really valuable. Thank you to those of you who made submissions as well. It has all been very important evidence to the committee.



**WILLIAMS, Mr John, Private capacity**

*Evidence was taken via teleconference—*

[10:21]

**CHAIR:** I now welcome former Senator Williams. I understand that information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. Do you have any comment to make on the capacity in which you appear?

**Mr Williams:** I am appearing in a private capacity and also as a farmer.

**CHAIR:** I invite you to make a short opening statement, and after you've finished we will ask you some questions.

**Mr Williams:** I have no opening statement to make. I'm just glad to chat to you and am prepared to answer any questions to the best of my ability.

**CHAIR:** Mr Williams, you have been reported in the media as making comments about the whole process with the alleged poisoning of the grasslands on the Monaro tablelands by a company called Jam Land. Would you like to talk us through your understanding of what occurred there?

**Mr Williams:** I can tell you exactly what happened. I think it was early 2018. I was listening to the *Country Hour* on ABC radio and Michael Condon was interviewing a farmer who was looking at being in trouble for breaching a federal environmental law for spraying noxious weeds and killing some native grasses. I phoned my chief of staff, Greg Kachel, one of the many people in the building there, and I said, 'I want you to replay the *Country Hour*. I want you to find that bloke, his name and number. I want to talk to him about the situation he is facing,' which he did. I spoke to Richard Taylor and he explained to me what was happening—how they had serrated tussock, a noxious weed since 1938 in New South Wales, as well as African lovegrass, in a paddock. The agronomist advised him to spray the weeds out—obviously with a boom spray, a bulk spray, because they were not breaching any state regulations—which he did, to kill the noxious weeds. Then, of course, he realised that he was facing a breach of the EPBC Act—where the grass had been listed under I think the then minister Greg Hunt as 'protected' or 'threatened'—facing a breach of a federal act that he knew nothing about, which I thought was quite amazing, and quite silly, in my opinion.

**CHAIR:** You say it was early 2018. Can you be more specific about exactly when that was?

**Mr Williams:** No. I can't give the specific date. That's when I heard the story on the *Country Hour*, and that's what made me call Mr Taylor—I realised his name was Richard Taylor.

**CHAIR:** We should be able to follow up the *Country Hour* broadcast with Richard Taylor on it and find out when it was. You had no awareness of the issue before then?

**Mr Williams:** None whatsoever. I thought, 'This is so wrong.' The analogy I put is: imagine you're driving down the Newell Highway in New South Wales, where the speed limit is 110, set by the New South Wales government, and the Federal Police pull you up and book you for doing 110 because they have a federal law of 90 kilometres an hour—but there are no signposts and you don't know the law is there. But you get booked anyway by the Federal Police. In other words, you have a state law and a federal law, you're not familiar with the federal law, you don't realise you're breaking the law and you get pinged for it. I think that would be quite strange. That's the analogy I put to you. The agronomists—the specialists in agricultural management, weed control, nutrition of soil et cetera—advised the Taylors to spray the weeds out, saying they weren't breaching any state laws. I was very familiar with the native vegetation conservation act brought in by the Carr Labor government in New South Wales back in the nineties.

**CHAIR:** Once you had heard this *Country Hour* report with Richard Taylor, you got your staff to follow up with him. Can you talk us through exactly what happened after that?

**Mr Williams:** I had a discussion with Mr Taylor. I told him I thought the whole thing was appalling—how he was facing fines or legal action, court action, for breaking a law for spraying a grass he knew nothing about. I then took it to the National Party room. I was very annoyed, as were many of my colleagues. I called for the then minister, Josh Frydenberg, to meet in the National Party room with many National Party MPs and senators to discuss the issue, which he did. He had with him one of the members of the department as well.

**CHAIR:** Sorry; can you go through that again? Who?

**Mr Williams:** I got Josh Frydenberg, the then environment minister, to come to the National Party room to talk about this very issue that Mr Taylor was facing. Of course, at the time when I spoke to Mr Taylor, I had no idea he was a relative, a brother, of Angus Taylor, the current member for Hume. I had no idea of that. That

wouldn't have made any difference. We called the then federal minister for the environment, Josh Frydenberg, to our National Party room, where we had some pretty firm discussions about the law and what was going on. Out of that meeting came the review by Wendy Craik into the EPBC Act as far as grasslands go.

**CHAIR:** I just want to go back to the time line again and clarify all of those actions. You heard Mr Taylor on the *Country Hour*. You then had a discussion. Did you meet with Mr Taylor in person after that *Country Hour*?

**Mr Williams:** It was a phone discussion. It's the only time I've ever spoken to him. I rang him on the phone back then.

**CHAIR:** Was that soon after the *Country Hour* broadcast?

**Mr Williams:** Yes. It would have been the same day or the next day.

**CHAIR:** How long after that did you take it to the National Party party room meeting?

**Mr Williams:** I'm guessing a few weeks. I think it would have been probably January when I spoke to Mr Taylor—I'm not sure of the time. It was certainly a couple of weeks later I raised the issue in the National Party room and expressed my disgust at how a farmer was facing charges for something he absolutely had no idea was breaking the law.

**CHAIR:** Would you be able to take on notice to recall exactly when you did take it to the National Party room that first time?

**Mr Williams:** That would be quite difficult to answer, because I no longer have an office, calendars, diaries et cetera. It's not as though I would write a note down and say, 'I'm going to take this to the party room now.' I could go back and have a guess, but it might be difficult to answer that question, because, as you know, I'm no longer in the Senate and I don't have those resources. I can tell you when you'll get an idea. The idea would be soon after that. The minister then, Josh Frydenberg, launched an inquiry into the EPBC Act by Wendy Craik, so it would have been shortly prior to that. It would have been just prior to when Ms Craik started her review into the EPBC Act, I imagine—a week or two before then.

**CHAIR:** Can I clarify: you raised it in the National Party room meeting, and then there was a further National Party room meeting that Minister Frydenberg and a departmental adviser attended—or was it the same meeting?

**Mr Williams:** That's correct; no, it was not the same meeting. I raised it in a meeting, and then it was some time afterwards we had the meeting with the then minister and a member of the department in the National Party room.

**Senator GALLAGHER:** Do you recall the name of the departmental official?

**Mr Williams:** No, I don't, I'm sorry. I'm a shocker on names at the best of times.

**Senator GALLAGHER:** That's fine. Was it prior to the Craik review?

**Mr Williams:** Yes, it would have been, for sure.

**CHAIR:** How much time elapsed between that first meeting, when you first raised it with the National Party room, and that second meeting, when Minister Frydenberg and the departmental official attended?

**Mr Williams:** I would guess a week or two. It wasn't a long period of time; it certainly wasn't months, because I was that angry about it I wanted to meet with the minister to express my disgust at the situation.

**CHAIR:** Did you have conversations with Minister Frydenberg as part of inviting him to attend that meeting?

**Mr Williams:** We sat around the table in the National Party room—probably a dozen of us in total—expressing our disgust with the situation. We thought it was just terrible for people who were spraying noxious weeds on their properties—because noxious weeds are a huge problem. I've spent much of the last two years spraying weeds myself. I've been getting rid of noxious weeds and trying to win that fight. To have us facing charges for simply spraying noxious weeds would sound to me and any other farmer like just a crazy situation.

**CHAIR:** Prior to Minister Frydenberg attending the National Party room meeting, did you have a conversation with Minister Frydenberg about the issue?

**Mr Williams:** I may have. I can't recall specifically, but I may have said, 'Josh, I want you to come to a meeting; we need to discuss this issue,' or whatever. I may have but I can't confirm that. I don't have any notes or anything in my diary to say if I had that conversation. I certainly remember him coming to the party room meeting where we had a pretty stern discussion, if I can describe it that way.

**CHAIR:** Do you feel that that engagement with the National Party room and you having that conversation with Minister Frydenberg was the reason the EPBC Act agriculture review was initiated?

**Mr Williams:** No, I wouldn't say that. I had my own personal opinion, which was to amend the act to exclude grasslands and leave it solely to the states so we'd have one set of state and territory laws and not have a federal law overriding them where people were not aware of the change of laws. I actually did some numbers around the Senate and, having the strong opinion that if I went to amend the act to remove grasslands from the EPBC Act I certainly wouldn't get any support from Labor or the Greens, I actually spoke to Derryn Hinch and people on the crossbench such as Stirling Griff to round up the numbers to amend the act so we could put it back to having one set of laws over the one issue instead of two sets of laws. But, after the discussion with Josh Frydenberg, the Craik inquiry was put in place.

**CHAIR:** What do you think initiated that ag review inquiry?

**Mr Williams:** We called for something to change. In my time in politics ministers don't say, 'Yes, we'll change it.' They get someone in to inquire into it. They have some sort of inquiry to see what the benefits, the advantages and the disadvantages will be, and Wendy Craik was appointed to have an inquiry into the EPBC Act. I met with her at the end of the inquiry, along with the then minister, Melissa Price.

**Senator FAWCETT:** Can I clarify that what you are saying is that your intent was not to have a review—your intent was to change the act—but that, as a consequence of the meeting in the National Party room, the action the minister decided to take was to initiate that review?

**Mr Williams:** That is spot on. If I were running the show I'd have changed the act the next day, if I could have gotten the numbers in the Senate. I just found it an appalling mess. Innocent people were following the advice of their agronomists, who were saying, 'You are not breaching state laws,' thinking they were under state laws. When Minister Greg Hunt listed this grass as a threatened species, I question what actually happened to inform the farmers who had that grass on their properties that it had been listed. There was probably a notice on the department's website, and that would have been all. I think the communication from the federal department was appalling. People didn't know what they were doing. If I'd had my way, I wouldn't have had an inquiry. It was told to me afterwards that Wendy Craik was put in place to run her inquiry.

**Senator FAWCETT:** Can I take you away from this particular incident, to look at the broader issue? You mentioned you've spent a lot of time over the past couple of years spraying noxious weeds. Could you outline for the committee what the normal process for a landholder would be, in terms of seeking professional advice on both what is legal and the most effective way to control noxious weeds and how they would go about doing that for a large parcel of land?

**Mr Williams:** Most farmers know the weeds pretty well. If you go out into your paddock and you've got a big crop of thistle, say—saffron thistles, variegated thistles or whatever—you know you can spray them out with a broadleaf spray, such as ester, amine or whatever. And when you spray them out you kill the broadleaf weeds; you don't kill your grasses. When it comes to killing grasses, you can't use a broadleaf spray; you've got to use a grass spray, such as Roundup, which kills all grasses. There's the difference. Serrated tussock and African lovegrass are grasses, so you can't use the broadleaf spray; you've got to use the grass spray. I've been informed that African lovegrass, when it grows, puts out an enzyme that stops other grasses from growing around it.

In my experience, when my wife, Nancy, and I lived at our last place, seven years ago, we had one plant of African lovegrass at the edge of the verandah amongst our kikuyu lawn. I sprayed that heavily, with a diameter of probably 100 millimetres, the size of your fist or a bit more. I sprayed that one plant of African lovegrass and it died, and then nothing grew on it for six months. I had to hoe the dirt out and put another piece of fresh dirt in. Then, in no time, the kikuyu spread over the area where the African lovegrass was. That would be the enzyme from the African lovegrass, because the Roundup dissipates when it hits the dirt.

This is the sort of weed you're facing. It's a weed that chokes out all your native grasses and everything and takes control. It's a useless stock feed—they will eat it if they're very hungry. When it comes to spraying weeds, farmers know most of the weeds. They know the noxious weeds, and they're used to abolishing noxious weeds to keep their native grass and pastures in good shape and stop the spread of the noxious weeds to other properties, whether the seed be carried by wind or by livestock or whatever.

**Senator FAWCETT:** I guess what I was trying to get at there is: if a farmer is looking at a paddock and they want advice, who would they go to for advice on the efficacy of the type of spray, the legality of what they're going to do and the approach for a larger area of land?

**Mr Williams:** I'll speak for myself. In my case, I'd go to my local Elders branch, where I deal with all our merchandise. They have their own agronomist, there, Darren. I would say to Darren, 'I've got these problems in the paddock, this sort of weed. I've just planted a crop. I need to spray these weeds out. What can I spray it with? What chemical is it, how much does it cost, what's the application rate and when will I apply it to the crop?' or

paddock et cetera. Most of the chemical outlets now, whether it be Landmark, Elders or even the privateer ones, have their own agronomists. We seek advice from those agronomists all the time when it comes to fertilisers, chemical sprays, lice protection for the sheep, prevention for the sheep of worms or whatever. They're all-round knowledgeable people who've lived their experiences. It's like when you sell anything: you've got to know the product you sell. Our local Elders store does that very well with me.

**Senator FAWCETT:** Sure. Thank you.

**Senator GALLAGHER:** I've got a few questions around the meeting that was held in the party room, which I could quickly work through. Did members of Mr Frydenberg's office attend that meeting as well?

**Mr Williams:** I don't think so. He may have had a staff member, I can't recall. But he certainly had a member of the department with him. We had a very strong few words, to say, 'This really annoys us,' and how the department is being heavy-handed, putting these people through the court and fining them et cetera or whatever punishment is dealt out to them. It wasn't a heated meeting, but the National Party members and senators were very direct in what they said to Minister Frydenberg and the departmental person to say, 'Back off, let's sort this out and see what sort of clean-up we can do on this mess where people are simply spraying noxious weeds and facing a courtroom.'

**Senator GALLAGHER:** At this point you were still unaware that Richard Taylor was related to Angus Taylor?

**Mr Williams:** By that time I reckon I would have known he was Angus Taylor's brother, but I wouldn't pay any attention to that. The fact that Richard Taylor was Angus Taylor's brother, if I did know in the first place, would have made no difference to the approach I took on it. It was certainly after I discussed it and took it to the party room that we found out he was Angus Taylor's brother.

**Senator GALLAGHER:** When Mr Frydenberg attended the meeting, did he disclose that to the party room? Did he make the point of saying, 'This is the brother of Mr Angus Taylor'?

**Mr Williams:** I can't recall, but you might check with that departmental person who was in the party room at the time.

**Senator GALLAGHER:** And you are not sure if—

**Mr Williams:** After a few weeks it became common knowledge that it was Angus Taylor's brother who was facing the gun.

**Senator GALLAGHER:** You are not sure what role that department person had in the department? Were they a policy adviser or in compliance? Did the meeting go to the role of the department official?

**Mr Williams:** No, not really. I saw a situation where a bloke from the department was one of the senior officers who were responsible for taking the action against people who do the wrong thing on their properties—for example, spraying protected grasses.

**Senator GALLAGHER:** Was this the only item on the agenda for that meeting?

**Mr Williams:** Yes, it was. It wasn't a National Party party room meeting; it was a meeting of the National Party—some MPs and senators—in the National Party party room with Minister Josh Frydenberg and the departmental chief.

**Senator GALLAGHER:** When you were giving Mr Frydenberg and the department official your advice, did Mr Frydenberg indicate whether this had been raised with him before or whether he'd sought advice from the department about this matter?

**Mr Williams:** No, I don't think he did. But he certainly was aware of the problem we faced. One concern was people getting rid of noxious weeds, which they've got to do by law. If you've got 30 or 40 acres of noxious weeds, you can't go out with a pair of tweezers and pull them out one by one. You would die in the paddock of old age. He was well aware of the situation. We made the point that this bloke, this Taylor fella, followed the advice of his agronomist—the specialist person who said, 'Spray it out; you are not breaching any laws or regulations under the state laws'—not knowing that there had been a federal law on grasslands listed prior to that by Minister Greg Hunt.

**Senator FAWCETT:** I will make a point of order. The Senate voted very clearly against holding a specific inquiry into the Jam Land affair. I recognise there is an overlap between grasslands and that. I'm here providing quorum, because the inquiry is about grasslands. But, where the predominance of questions starts narrowing into something the Senate has specifically voted against, I will have to consider whether or not I continue to provide quorum.

**CHAIR:** With the relevance of former Senator Williams here and his insight into the issues of threats to the grasslands, and how grasslands are being impacted by agricultural development, I think it's still very relevant—

**Mr Williams:** I'm here because I know the rules. I was asked to come to the hearing. I know the power the Senate committee has to summons. I think this is just a witch-hunt on the Taylor family, so I'm glad to be here.

**Senator GALLAGHER:** I'm almost finished! My last question, Wacka, is: did you have any involvement with the Craik review?

**Mr Williams:** No, none whatsoever, except I met with Wendy Craik and then Minister Melissa Price after the Craik review came out. The three of us sat down and went through it in the National Party party room and I said, 'What are you going to do?' They said, 'A review of the EPBC Act next year.' I said, 'That still doesn't stop innocent farmers from spraying noxious weeds, which they are compelled to do by law, and not knowing what grasses have been listed by the federal department of the environment under the EPBC Act.' Here is one of the problems: if they are going to list these grasses, what action are they taking to notify the farmers and landowners, from the Southern Highlands right around to Canberra, to be aware? This grass is everywhere, and if you spray it you are going to be in trouble. We all know the difference between right and wrong. We know when we break the law and when we don't. But, when there's a new law introduced and no-one knows about it, you have a serious problem, because people are totally ignorant of the law.

**Senator GALLAGHER:** Yes, and certainly we can follow up with the department this afternoon about what steps they take. I just missed you at the beginning, Wacka; you said you didn't get involved in the Craik review?

**Mr Williams:** I wasn't involved in it, Senator, no. I knew it was going on, because I kept saying, 'What's going on?' And they'd say that they were having a review and Wendy Craik was leading it. As to when that review came out, it was supposed to be, I think, in July last year, but it went on for some time—long enough that I kept saying, 'Where's this review?' When it did come out, I met with them and I thought the review did virtually nothing to point the whole situation in a direction I wanted it to take it.

**CHAIR:** Wacka, in terms of the issues that you're raising now, about people feeling that they were doing the right thing under the New South Wales legislation but not being aware of the EPBC Act, in your discussions with then Minister Frydenberg in the Nationals party room, was that a key item of discussion?

**Mr Williams:** It certainly would've been raised, Chair. It would've been raised where people are now facing a courtroom from carrying out an action of spraying noxious weeds when they had no idea they were breaking any law or any regulation; it certainly would've been highlighted, because that was the guts of the whole argument I brought forward: that we should have one set of laws, not two sets of laws—have one lawmaker, so that everyone can follow them, like the agronomists, instead of two lawmakers with different laws at different times and no-one knowing the difference.

**CHAIR:** So was there discussion of the fact that there was compliance action being undertaken against Richard Taylor?

**Mr Williams:** Can you run that past me again, please?

**CHAIR:** In that party room meeting, how much discussion was there about the compliance action that was being undertaken against Mr Taylor and Jam Land?

**Mr Williams:** I can recall we said to the minister and to the departmental chief: 'Can you back off a bit with your court action so we can get some sort of clarity on what's been going on here, because you're putting people through the courtroom when they knew they were doing nothing wrong or they believed they were doing nothing wrong. They followed the advice of their agronomists, which basically every landowner in Australia would do.' The agronomist is the professional person in that field of weed control, land management et cetera—that's what they're trained in university for and why they're put in place in these rural outlets: to give advice to help farmers make the right decisions. And we have a lot of faith in our agronomists and what they say.

**CHAIR:** Did you get any commitment from former Minister Frydenberg or the departmental adviser that they would back off a bit?

**Mr Williams:** Not really. I think the answer to that question was: 'Let's proceed to have an inquiry.' I don't think there was a committed promise, of: 'Look, we'll back off now and won't take any action.' I think it was just a message that went through to them as to how they approached that, and what decision they made was their decision.

**CHAIR:** Can I take you to that? So you did get the message that they would proceed with having an inquiry. What details were you given about what that inquiry would look like?

**Mr Williams:** I was told some weeks later that they were going to have an inquiry. I didn't know the terms of reference or anything. I just went along with the inquiry when it was set up, and then of course it was longer reporting than we'd first planned or was planned by the minister, and I was getting a little impatient when it hadn't reported on the due date; it was months later. Then I met with Wendy Craik and the then minister, Melissa Price, to discuss the report.

**CHAIR:** When the idea of an inquiry was first raised with you, was your understanding that it was just going to be into the grasslands issue?

**Mr Williams:** Well, that's the way I saw it, yes, but I saw it as some sort of stalling tactic anyway.

**CHAIR:** Right! So basically you saw it as a stalling tactic because they weren't going to take the action that you wanted them to take and they were just going to send it off to an inquiry and hope it would go away?

**Mr Williams:** Not hope it would go away, but a stalling tactic. I was very keen to have the EPBC Act amended—I'll be frank and honest with you, as always—thinking two sets of laws by two departments was crazy. Let's have one set of laws, because the New South Wales Native Vegetation Act is about exactly that, native vegetation conservation. What in the hell is the federal department doing stepping into those grounds when we already have one environment and science department et cetera studying that very issue and recommending regulations on it? I remember that when the Native Vegetation Conservation Act came out they listed red grass as a threatened species up home. Everywhere you look in our country, for thousands and millions of acres, you see red grass. I couldn't believe it was ever listed as threatened, because it's everywhere.

**Senator GALLAGHER:** Wacka, you said that by the time you took it to the Nationals party room you were aware that Richard Taylor was the brother of Angus Taylor. At what point did you become aware that Angus Taylor was also part owner of the land in question?

**Mr Williams:** A difficult question to answer. I know that when I rang Richard Taylor I had no idea he was Angus's brother. I found out some time later that they were brothers. I couldn't tell you exactly when. I think there are three brothers: Angus, Richard and the husband of Bronnie Taylor MLC in the upper house in New South Wales. I think the three of them were involved in it. As I said, it would not have altered my attitude one bit if Richard Taylor were King Kong's brother. It wouldn't have made an ounce of difference to the approach I took on what was happening to these people.

**Senator GALLAGHER:** Yes, I understand that. I guess my question is: at what point did you become aware that Angus Taylor had a business interest in the land in question that was being discussed?

**Mr Williams:** I can't answer exactly, Senator, but I'd say it would be from media reports or that someone told me. I still don't know how much of a business interest Minister Angus Taylor has in the land anyway.

**CHAIR:** Thanks, Wacka. Thank you very much for your evidence to our committee today.

**Mr Williams:** I'd like to say it's been an absolute pleasure, Chair, but that might be misleading and deceptive information to the committee, so I won't say that! But it's good to hear your voices!

**CHAIR:** Thanks!

**Senator GALLAGHER:** We won't take offence at that!

**Proceedings suspended from 10:52 to 11:04**

**CRAIK, Dr Wendy, Private capacity**

**CHAIR:** Welcome. I understand that information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. Could you please tell us about the capacity in which you appear today?

**Dr Craik:** Thank you. I did this work when I was working as a senior associate with the consulting firm Aither.

**CHAIR:** When you say you did this work, are you appearing today to discuss the report of the review of the interaction between agriculture and the EPBC Act?

**Dr Craik:** That's right, the interaction between the EPBC Act and farmers specifically.

**CHAIR:** Thank you very much for appearing before us. I now invite you to make a short opening statement, if you wish, and at the conclusion of your remarks we'll ask you some questions.

**Dr Craik:** The EPBC Act is perceived by many farmers as time-consuming, expensive and complex, and as a barrier to agricultural development. I was asked to test these perceptions and find out what was happening on the ground, and to try to recommend practical solutions. I met with something like 77 people, including individual farmers and peak bodies, from the National Farmers Federation, AgForce, Pastoralists and Graziers Association, and Tasmanian farmers and graziers. We had 78 submissions from a range of peak bodies, agribusinesses, family farming businesses and various others.

I think, in general, farmers do try to do the right thing. But they don't really understand what environmental laws mean for them, particularly when you have state and federal laws on environment and they often overlap or have gaps between them, and usually one jurisdiction doesn't understand how the other laws apply. So the farmer who consults a state person is usually very confused. As far as the EPBC Act, it's usually a once-in-a-lifetime encounter with it for a farmer. Although the number of agricultural referrals with a significant impact is actually small, out of the total number of referrals since 2000 under the act—it's only 2.7 per cent—the issue assumes a much greater importance in the farm sector than that percentage would lead you to believe.

It all starts with the species-listing process. Farmers see that as a black box—they feel they don't know it's happening, they don't get clear practical information on how to apply. There are what appear to be fairly arcane rules to protect species on their farms—for example, only spot spraying invasive weeds over large areas; or implementing a detailed survey for relatively obscure grass species; or being unable to harvest a planted, non-native crop—for example, something like pine trees that they've put in to sell later and make money—because a mobile endangered species like Carnaby's cockatoo has moved in. Under the EPBC Act, there is no on-ground support or local advice to help them. They feel that people in Canberra don't understand agriculture and don't speak their language, and people in Canberra tend to communicate by email or phone rather than what a farmer prefers, which is all face-to-face.

An environmental assessment for a farmer can be costly and take a long time. I have a couple of examples: one fellow had spent \$70,000 and wasn't finished and that was over a four-year period, and another person had spent \$500,000 and that's ongoing. They get handled between different people in Canberra during the process, and the case officer tends to vary. And so one farmer we spoke to said he used to put everybody's name that he'd dealt with on an email, and have a 'spray and pray' approach. Farmers often see the outcomes as unreasonable. One Western Australian horticulturalist had a 120-hectare farm: he was using 70 hectares and he wanted to clear another 30 to expand his operation. He was told he would need to acquire a 150-hectare offset, which would mean he'd have to go and buy another 150 hectares and pay for the management of it.

But I think it's interesting that not one farmer told me they wanted to get rid of the act, nor did they want it to stop applying to farmers. They actually wanted to try to do the right thing and to look after the environment, but navigating the act's complexity, I think, needs to be made easier for them—a bit more clear, a bit more practical. And they see opportunities forgone, both for them and for the environment, owing to a lack of strategic approaches and incentives. The review recommends a number of improvements to reduce the burden on farmers without watering down standards, which would deliver tangible benefits to farmers and the environment.

We suggested things like having locally based face-to-face officers, who could help farmers on the ground, and that they preferably be either state or natural resource management based, because farmers deal with them already and have a degree of trust in them. We suggested that the department get new agricultural expertise, so that farmers have people in Canberra who speak their language, and that they have a single case officer end to end, if that's possible, so they're only talking to one person. We recommended that the act's Threatened Species Scientific Committee have a member with farming expertise to ensure that species listings are supported by practical, clear information and that conservation advice is a ground truth with local farmers and the technical experts to ensure that it's practical. We also recommended that the minister get some concurrent advice on farming impacts at the

time the threatened species committee provides a recommendation on species listing, so that the minister could get an independent indication of what the social and economic impacts might be.

Species listing needs to be a bit more transparent, with an earlier additional consultation phase for farmers and others to engage in before species are locked in for assessment. As well as just having a regulatory approach, we suggested that a market based financial incentive to help them manage biodiversity would be a sensible thing to consider. Such an approach would support the public benefits of setting aside areas for conservation on farmland, and it would lead to better environmental management. We suggested a \$1 billion national fund—a bit like the New South Wales Biodiversity Conservation Trust—which is tied to the EPBC Act, for management agreements with farmers. The full report details these and various other practical recommendations to try and offer some short-, medium- and longer term operational reforms to make life easier for farmers.

**CHAIR:** Great, thanks, Dr Craik. I had a thorough read of your report and, indeed, I think it has been pretty well received. Obviously there are some concerns from various quarters about some of the recommendations, but overall people think that you came up with a lot of sensible recommendations. When were you first approached to do this review?

**Dr Craik:** It's a fair while ago. I think we finished it last year in about October and I think we started it in about April. I'd been asked, I think, a couple of months earlier, if I was interested, but I was doing something else at the time, another review—I can't remember what it was—and I was trying to finish that one off. I think I was approached a couple of months before we started doing it, and I think we started doing it in about April last year, but I can't quite—

**CHAIR:** It would have been around February, then?

**Dr Craik:** It might have been. I can't quite remember, but I know there was a gap between when I was first asked and when we got around to starting.

**CHAIR:** Right. What, at that stage, did you understand to be the rationale for undertaking a specific review into agriculture and the EPBC Act, particularly given that we know there's a 10-year review of the EPBC Act due this year?

**Dr Craik:** My understanding—and I don't know that I ever really asked anyone—was that the NFF and farmer organisations had been quite concerned about it and had been talking to the minister about it. I think that was my understanding of where it all came from.

**CHAIR:** Do you know what the basis of those concerns was?

**Dr Craik:** No, I don't.

**CHAIR:** Agriculture is a pretty wide frame.

**Dr Craik:** Agriculture is pretty wide, but I think some activities were going on in Queensland—up on the Cape York Peninsula—that were causing people in Queensland concern. I think that might have been part of the cause, but I'm really not sure.

**CHAIR:** You note in your report that only 2.7 per cent of referrals under the EPBC Act come from agriculture. Given there are only a small number of referrals, was there any discussion as to why there was a need to undertake a review into just agriculture?

**Dr Craik:** Well, I guess we don't know why there are only 2.7 per cent of referrals. We sort of speculated on it, but we don't—and I guess we got a variety of comments from the farm sector itself. Some people say it's because it's too hard, so they can't be bothered. Also, when we got some of the detailed breakdowns, we saw that some of the original applications lapsed for a variety of reasons. But I think there certainly was a sense that a lot of this is just too hard and too much effort. So when they hear stories from other people some of them just give up, I think.

**CHAIR:** Did you look into where those referrals come from—what type of agriculture? I note that your report doesn't detail that. Agriculture is pretty broad.

**Dr Craik:** It's pretty broad. No, I don't think we really did beyond the little table we have in there. I don't think it's terribly helpful, no. It took a while to get the numbers, because they had to be dug out by hand. It took quite a while before we got the numbers from the department.

**CHAIR:** Looking at the graph there, we're basically looking at fewer than 10 referrals a year.

**Dr Craik:** It's not a lot, I agree. It is small.

**CHAIR:** So you didn't—



**Dr Craik:** No, we didn't, other than deducing from what people told us, because we didn't have the numbers until late in the piece.

**CHAIR:** We might follow up on that with the department this afternoon. In the report, a number of times in your recommendations you note that there's significant capacity for improvement in the way the EPBC Act interacts with the agriculture sector, and that those improvements recommended in the review could be applied to interactions between the act and other sectors of the Australian economy. You mention there are things that could be improved across the board. How much do you think agriculture really needed to be pulled out and looked at as a special case prior to the overall EPBC Act review?

**Dr Craik:** I mean, mining companies, big mining companies, have a lot of staff. They're set up to do these sorts of activities—interact with the EPBC Act, undertake complex exercises—but a lot of farming operations these days, even quite valuable ones, are just one person or a small family. I think that, because they don't interact with the environment department on a regular basis, particularly the federal environment department—they do interact more frequently with their own state environment department or local equivalent of a catchment management authority or rural lands protection board—they just find it a real nightmare trying to navigate their way through.

It was obviously an issue in the past, because historically the National Farmers' Federation used I think to have someone posted in the NFF from the environment department. That lasted for a while, and then for some reason it lapsed. So it's obviously been an issue for some time. When I met with the NFF environment committee or sustainability committee it seemed to be quite an issue and something that they'd clearly been exercised about for some time.

**CHAIR:** So did the meeting with the NFF environment committee help set the framework for what you were going to focus on?

**Dr Craik:** They certainly explained the challenges that their farmers faced with the EPBC Act. Then other farmers and people in the farm sector, when we met with them, did too. We went out to a couple of places, actual farms on the ground, and had quite detailed explanations of the challenges they've had.

One fellow who had a big cattle operation up near Ayr wanted to clear another area to grow more cattle, and he'd had to undertake an ecological survey. Well, that was fine with him. He'd had one done, but the finding was uncertain as to whether a particular rare bat was there—it was a noise survey—so he had to undertake and fund another survey, which also turned out to be uncertain. He then had to fund a third survey. I have some sympathy with the notion of having to fund the same thing three times. Why can't the parameters for such a survey be set in the first place? If there is an acceptable person who does the work and meets the parameters of the survey, surely once is enough?

If it's uncertain it's uncertain, and you just deal with the end result.

**CHAIR:** Overall, did your review find that the EPBC Act imposes a significant burden on farmers?

**Dr Craik:** I think on some of the farmers that do interact with it, yes, it does. The person who'd spent \$500,000 getting assessments done—I think it was a chap in Western Australia—was finding that the scientific advice that the department here was using conflicted with the scientific advice that the Western Australia department was using. The departments couldn't agree, so this poor person was left in limbo, having already spent half a million dollars on having things resolved. So it's occasions like that, and like the fellow in Queensland who had to fund three surveys, and this had been going on for several years.

It's also a hardship in the sense that they want to do something. There are certain times of year where it's better to do some farm activities than others. If you get permission to clear, it's better to do that at a certain time of year. If you don't get the approval in that time, you have to wait another year before you can do the clearing. So it isn't always but can be a significant financial imposition on farmers. That fellow would've had to have an offset of a 150-hectare property—go and buy a new property of 150 hectares and manage to look after that, one that's bigger than his own property. That would be a significant imposition.

**CHAIR:** Is that across the board, across the country, or is it particular areas that you think are most affected?

**Dr Craik:** I don't know that I'd be quite in a position to say, because we didn't talk to all the people who'd had referrals. We did get some quite positive feedback from some people, so obviously it's not universal. But, from the number of people we spoke to, there was a reasonable number of people who had had what I would regard as pretty significant impositions on them.

**CHAIR:** In the study, the review and the report, through the whole process, did you get good representation across the country of all of the various interactions between agriculture and the EPBC Act?

**Dr Craik:** We tried to. We did our best, going around the country. We went out to seven regional areas. We did quite a bit of on-ground activity, looking at places.

**CHAIR:** Where exactly did you go out on the ground?

**Dr Craik:** We went to a big property just south of Ayr. We went out to the Monaro here to look at the grasslands. We flew in to somewhere out near Moree, somewhere out that way, where the coolibah black box is. And then we drove from there to somewhere else where there's grassland. Sorry, I've forgotten the names.

**Senator FAWCETT:** Pilliga Scrub?

**Dr Craik:** No, it wasn't Pilliga. I can look it up; I just can't remember.

**CHAIR:** I'm not sure where exactly you had the on-ground site visits. It's in the report.

**Dr Craik:** I don't know that it is.

**CHAIR:** No. I think the report says that you undertook consultations in Townsville, Launceston, Walgett, Ilford, Cooma—

**Dr Craik:** Yes, we went to Walgett.

**CHAIR:** and Broome, in addition to major city consultations in Melbourne, Sydney, Brisbane, Hobart, Canberra and Perth.

**Dr Craik:** Yes. I can get them for you. I can go and look at a map, talk to the others and find the places, if you'd like them.

**CHAIR:** Yes, it would be to know where you went. I was struck by that list—that you didn't cover the Northern Territory, South Australia or any regional Victorian centres. How did you choose where to go?

**Dr Craik:** We only had a limited amount of money and time, so we were trying to do as much as we could in the time available. We'd been advised that Queensland was a hotspot, so we went up to Brisbane and we went up to just south of Ayr. We drove to Cooma from here—to the Monaro. We flew out to Walgett and the place in New South Wales that I can't remember the name of, and some of the team went to Tasmania to see the irrigation stuff there.

**CHAIR:** That's not listed in the report.

**Dr Craik:** Isn't it?

**CHAIR:** It says Hobart. No, you're right—Hobart and Launceston.

**Dr Craik:** I'll check the actual field visits and send you a list.

**CHAIR:** You note in your report, on page 31:

... to better understand, and more effectively respond to, emerging tensions between agricultural development and environment protection objectives ... it is important that DoEE has access to the best available information on future trends in the agriculture sector, such that geographic growth centres (e.g. potential expansion of agriculture in northern Australia) and likely high-growth sub-sectors can be identified.

How well do you think your review, in terms of where you did your consultation and where you visited, actually mapped onto those high-growth sectors?

**Dr Craik:** We certainly didn't visit the Northern Territory. We did try to visit up there, but we didn't get a big response from the cattlemen's union up there. I think we tried to contact another organisation there to see if they had anything to say, and the Northern Territory didn't have anything to say in the farm sector. Queensland did have a lot to say, so we went there, and Tasmania did as well, and the Monaro. We didn't think about areas that might end up being centres of activity; we really went where people had raised issues, and also where they were willing to have us on their property—that's the other issue.

**CHAIR:** Our focus today is on the grasslands, so I want to go to the issues that you explored on the Monaro. In fact, the Monaro grasslands seemed to be a pretty strong focus of the report. There was a case study there, and you've recommended that a pilot project for regional planning occur on the Monaro grasslands and in Walgett. Why the focus on the Monaro?

**Dr Craik:** It was raised with us. We got a number of submissions from the Monaro. It was within driving distance, so it was relatively easy to get to. There are some practicalities in all of this. So we went up there. The people there were very accommodating. They were prepared to spend a day with us, show us around and show us the issues. We met with half a dozen people there, I think—four to six people, both farmers and agronomists—and the department had been working there as well. Obviously, the listing of grasslands had been revisited. So I think they were the reasons. Also, New South Wales farmers were quite exercised about grasslands, not only there

but at one of the places—of which I can't remember the name—that we went to, looking at grasslands elsewhere in New South Wales.

**CHAIR:** Is that why the grasslands were identified as a pilot project for regional planning? How did you choose those two areas? Again, agriculture in Australia is a massive area.

**Dr Craik:** Indeed it is. I suppose, for one, it's convenient to Canberra. There is already work going on there between the federal department and New South Wales Local Land Services. The people there are very good farmers and they are also very keen on trying to have a good balance between agriculture and the environment. As a group, they had put a lot of thought into how you might manage environmental things in that area so that you can identify the areas that are important for the environment and then leave everybody to get on with agriculture. They'd actually drawn up a few maps. We had some quite interesting discussions with them, not only about grasslands but more generally. So that was one reason. They were the reasons for that area, I guess.

Similarly with Walgett, the department and local land services had been working together there to try to see whether the state officers were able to work on behalf of the federal people in dealing with the local farmers on the ground, because the farmers obviously prefer to deal with the state people. As is detailed in the letter that accompanies the report, we'd subsequently had an offer from the then New South Wales minister to provide a number of his staff to work, at their expense, with the departmental staff to try to see if they could jointly work on an area, identify what was environmentally important and how you might manage that—either in a statutory way or in a non-statutory way—and then leave agriculture to get on with what it was doing. The letter itself suggested Walgett and Monaro. Our first suggestion was going to be Monaro, but the New South Wales department suggested Walgett as well.

**CHAIR:** So you chose Monaro for the reasons you've outlined. There was already activity happening there. It was close to Canberra.

**Dr Craik:** Correct.

**CHAIR:** There was a lot of interest, and the farming community there wanted to meet with you and talk with you.

**Dr Craik:** Yes.

**CHAIR:** So, basically, there was already a bit of noise.

**Dr Craik:** It's sort of easier if you've got a base that's actually interested in doing it, I suppose.

**CHAIR:** When you made your recommendations, were you aware that the department of the environment and the local land service were already developing guidance for farmers in the Monaro?

**Dr Craik:** Yes, we were. We knew they were working together, but it just seemed to us that, because some work had already been done, it was a good place to build on what was already happening.

**CHAIR:** As a pilot, then, how representative do you think that would be of other areas of Australia and the interaction of agriculture and the EPBC Act where there may be ecological issues even more or just as much at stake but there's not the same level of engagement and interest?

**Dr Craik:** That's very true. I think what we thought was that you might as well start where you've got a chance of succeeding, and it looked like it was something that was convenient. It was a process that we thought would be worthwhile testing, and, given that there was also an offer from New South Wales to contribute to it, it seemed to us like a really good opportunity to try to test something out and see if it actually had a chance of working.

**CHAIR:** In recommending this regional planning process, did you do any estimates of what resources are going to be required to do that?

**Dr Craik:** No, we didn't.

**CHAIR:** Okay. I will ask that question of the department this afternoon.

**Dr Craik:** I don't know that they did—well, not while we were working on it. I don't think they did.

**CHAIR:** While you were working on it, you suggested that you engaged with the department before you finalised the recommendation?

**Dr Craik:** Not in terms of asking what the resources would cost. No, we didn't ask that.

**CHAIR:** How about in terms of selecting the proposed area for the pilot program?

**Dr Craik:** No, that was our thought. They didn't object to it; put it that way. I can't remember. Yes, we did run through the draft recommendations, and I think they thought it wasn't a silly idea.

**CHAIR:** Did you undertake the consultations in person?

**Dr Craik:** Yes—not every one of them, but I was certainly involved in the majority. I'm a great believer that you pick a lot up from just listening to people.

**CHAIR:** In your list of consultations, you've got consultations listed in Cooma on 22 May with Stuart Burge, David Eddy, Luc Farago, Richard Taylor and John Murdoch. Were they separate consultations, or were they all done together?

**Dr Craik:** I think two of them came in at once, but I think otherwise they were separate. They came in one at a time, I think.

**CHAIR:** Who came together?

**Dr Craik:** I can't remember, but I just have a feeling that either they were all separate or maybe two of them came together. But I can't remember which ones came as a pair, if anyone did.

**CHAIR:** We had invited Richard Taylor to appear before the committee on this issue, and he declined to appear and the committee declined to summons him to appear, which I think is a pity because I think it would be very useful, as a case study of the pressures that grasslands are under, to have heard from him. In terms of what was put in those consultations about the Monaro grasslands and in their submissions, could you summarise what the views of those farmers were.

**Dr Craik:** I think they were concerned about the listing of the grasslands. I'm trying to remember the chronology now, but I think some of them weren't aware of the listing of the farmlands, or the relisting of the farmlands when the listing was revisited. They found the conservation advice on spot spraying until the weeds get to 50 per cent of the paddock area—and you're talking about three weeds: serrated tussock, Chilean needle grass and African lovegrass—to be impractical. They have quite large paddocks, so waiting till the weeds get to 50 per cent of your paddock—if you can spot spray up to 50 per cent of the size of your paddock, you'd be doing it all day, every day, and doing nothing else. It's just not really practical. And they had challenges, I think, in actually identifying the specific species, because you had to be able to distinguish between an annual, a perennial and the actual grasses themselves. I have to say I tried to follow the key through and found it pretty challenging, though I'm not a grass person.

I don't know how true this is, because mostly we heard it second hand, but the first that farmers hear of the EPBC Act is when they get dobbed in by a neighbour, and it's a compliance exercise. We did hear that a number of times. We heard a lot of information about what farmers were doing and that they were interested in protecting native grasslands, but, with the conservation advice that existed at the time and their lack of awareness—I'm not sure if it was about the relisting or the original listing or both—they felt they weren't in a position, or they didn't feel they'd been treated terribly well, in terms of trying to protect their grasslands.

**CHAIR:** One of the people that you met with, Stuart Burge, is an agronomist and a consultant. Do you think it's credible that somebody who's employed as an agronomist and a consultant to farmers wouldn't have that knowledge?

**Dr Craik:** Oh, he had that knowledge. Sorry; I don't mean Stuart. I mean the farmers.

**CHAIR:** But certainly our understanding is that the farmers of Jam Land, who are alleged to have done the poisoning—

**Dr Craik:** They're very good farmers.

**CHAIR:** But do you think that it's credible that they didn't know what they were doing?

**Dr Craik:** I'm sure they knew what they were doing, but whether they knew whether the provisions of the act applied exactly there I don't know. I just don't know. I really don't know. I'm not in a position to make a comment on that. I don't know enough about the detail of it.

**CHAIR:** Certainly Stuart Burge, as their consultant, would have known that there were native grasslands that they were spraying.

**Dr Craik:** I can't answer that.

**CHAIR:** I noted that there were a lot of confidential submissions that were made to your inquiry. What were the reasons as to why the farmers wanted confidentiality?

**Dr Craik:** Some of them had less than favourable comments about staff in the department. That was one major reason.

**CHAIR:** So it was essentially adverse comment rather than they themselves needing—

**Dr Craik:** I think also some of them were worried about retribution. I'm not saying that that was a likely outcome, but that's what some of them expressed.

**Senator GALLAGHER:** I just want to go back—it is a bit of time, I acknowledge that, and Senator Rice has touched on it a little bit—to the original engagement for this review. Do you recall whether you were approached directly to lead the review?

**Dr Craik:** No. I was asked by this consulting firm that I'm loosely tied up with: would I be interested in doing it?

**Senator GALLAGHER:** So the approach came from the consultancy to you rather than—

**Dr Craik:** Correct, and I'm tied up with that firm anyway.

**Senator GALLAGHER:** The AusTender extract shows that that consultancy received the contract in April, which is what you said earlier about commencing the work. The total cost of the review, I think, is outlined at just over \$500,000. Is that your understanding?

**Dr Craik:** I wasn't involved in that side of it, to be perfectly honest.

**Senator GALLAGHER:** That's either that would—

**Dr Craik:** Yes. Either does that.

**Senator GALLAGHER:** There was a small extension to the contract. Are you aware of why that occurred?

**Dr Craik:** I am vaguely aware of it, but I can't remember why we extended it. It was probably because we hadn't finished, but I can't remember. I would have been keen to have it finished sooner, put it that way.

**Senator GALLAGHER:** You would have been?

**Dr Craik:** Yes.

**Senator GALLAGHER:** We all know that feeling! So it went longer than you'd originally thought?

**Dr Craik:** I think that's right, yes.

**Senator GALLAGHER:** Was that from the interest that was shown?

**Dr Craik:** It could have been, but I really can't remember now why that was.

**Senator GALLAGHER:** You were busy, obviously, with a range of projects.

**Dr Craik:** Yes.

**Senator GALLAGHER:** In terms of conducting the review, did you or the review team meet with the environment minister or their office during the process of the review? I don't think it's listed.

**Dr Craik:** I think we just met with the minister when we'd finalised our recommendations.

**Senator GALLAGHER:** So not beforehand? Not while you were—

**Dr Craik:** No, not while we were doing it. I don't recall that, no.

**Senator GALLAGHER:** But you met with him and his office at the end?

**Dr Craik:** Yes, at the end, when we'd done the recommendations.

**Senator GALLAGHER:** So prior to finalising the report, but once you'd locked—

**Dr Craik:** Yes, once we had something to say.

**Senator GALLAGHER:** Did you meet with Minister Littleproud at all?

**Dr Craik:** No.

**Senator GALLAGHER:** Okay. Were there any other meetings or conversations with ministers about the report?

**Dr Craik:** No.

**Senator GALLAGHER:** So just—

**Dr Craik:** Sorry; when we met with the Minister for the Environment, we met with the Assistant Minister for the Environment at the same time.

**Senator GALLAGHER:** And who was that at the time?

**Dr Craik:** Melissa Price.

**Senator GALLAGHER:** So it was Minister Frydenberg and Minister Price at that meeting?

**Dr Craik:** Correct.

**Senator GALLAGHER:** Do you recall what date you provided the final review to the department?

**Dr Craik:** No, I'm afraid not. It was probably the date on the report. Is there one? I could find out, but I don't know. I can't remember.

**Senator GALLAGHER:** Did you provide it to the department and the minister's office at the same time? What's the process there?

**Dr Craik:** No. I think—well, I didn't actually provide it to anyone. It was the Aither office that provided it to the department, I assume.

**Senator GALLAGHER:** Okay; we can ask the department that later today. In relation to the meeting with the ministers, you said you met at the end of the process, so once recommendations had been finalised but prior to the actual handing over of the report. Did any of the recommendations change following that meeting?

**Dr Craik:** No.

**Senator GALLAGHER:** Was a draft review provided to those officers?

**Dr Craik:** I don't recall that it was, no.

**CHAIR:** Didn't you say before there was a draft given to the officers?

**Dr Craik:** I don't recall saying that, no.

**CHAIR:** A draft of the recommendations.

**Senator GALLAGHER:** Yes, a meeting on the recommendations.

**Dr Craik:** We met with them to talk to them. I can check, but I don't remember that we did. I can't be 100 per cent certain, but I don't remember that we did.

**CHAIR:** If you could take that on notice, that would be great.

**Dr Craik:** I'll try.

**Senator GALLAGHER:** Did you meet with any other MPs or senators in relation to the review?

**Dr Craik:** After it was finished, I met with some National Party members.

**Senator GALLAGHER:** So that was a meeting that was organised once you'd completed the review?

**Dr Craik:** Correct.

**Senator GALLAGHER:** Once it had been handed over?

**Dr Craik:** Correct.

**Senator GALLAGHER:** Who requested that and organised that?

**Dr Craik:** I couldn't tell you who requested it. It was organised through—again, I'm not sure who organised it, to be honest. I can see if I can find out.

**Senator GALLAGHER:** Presumably you were asked to attend a meeting?

**Dr Craik:** Yes, I was asked to attend a meeting.

**Senator GALLAGHER:** It had to come from somewhere.

**Dr Craik:** Usually the request came through the department, then to Aither and then to me. I wasn't—

**Senator GALLAGHER:** Do you recall when that was held? Was it the end of September?

**Dr Craik:** I think we handed in the report in October sometime, just judging by these dates here.

**CHAIR:** I think 28 September is on the bottom of the report.

**Dr Craik:** Was it? I sent in another letter in October. Look, I'll see if I can check, but—

**Senator GALLAGHER:** But it was after that?

**Dr Craik:** It was after we handed the report in, yes.

**Senator GALLAGHER:** If you could check it, that would be useful. Did you have any meetings with Mr Angus Taylor?

**Dr Craik:** No.

**Senator GALLAGHER:** Obviously, you've identified meetings with—

**Dr Craik:** I should say not in relation to—I don't think I had one at all, but don't forget he was the Minister for Energy. I chair the Climate Change Authority, so I may have met with him in that capacity, but not in relation to this—well, I don't think so, but I'm just covering my bases.

**Senator GALLAGHER:** Did you discuss this review with Minister Taylor?

**Dr Craik:** No, I didn't.

**Senator GALLAGHER:** Your report identifies Richard Taylor as a submitter and a witness or someone you visited in Cooma. Did you meet with any other members of the Taylor family or other business associates?

**Dr Craik:** Not that I'm—well, I don't know if those—

**Senator GALLAGHER:** John Murdoch is from Monaro Farming Systems.

**Dr Craik:** Oh well then, yes, we did. We met him.

**Senator GALLAGHER:** Was that a site visit?

**Dr Craik:** No, that was just in Cooma. We drove around, yes, and in Cooma as well. We drove around Cooma and saw some of the sites and we met in Cooma. We drove around with someone else, who showed us all the places, and then we met with all those other people. We drove around with Howard Charles, and we met with all those other people in Cooma.

**Senator GALLAGHER:** Did you visit the land that's been—

**Dr Craik:** Not on the ground. We were in the car and we got out of the car and had a look over the fence. That's about as close as we went.

**Senator GALLAGHER:** Okay, so it was identified as 'this is the area'?

**Dr Craik:** Not specifically, no. It was a 'this is his farm' sort of thing; that was as close as we got. We didn't look at the precise area, no.

**Senator GALLAGHER:** But you were aware that there was an investigation underway—

**Dr Craik:** We were vaguely aware there was an investigation underway, yes.

**Senator GALLAGHER:** Was the investigation discussed in the meetings you had in Cooma, that it was underway?

**Dr Craik:** Not the investigation, no.

**Senator GALLAGHER:** So you'd done a piece of work that was pretty comprehensive over a relatively short period of time. It took a long time for that report to be released by the government. Were you given any reason why?

**Dr Craik:** No.

**Senator GALLAGHER:** You didn't follow up or—

**Dr Craik:** No.

**Senator GALLAGHER:** So once you've done your work, that's that?

**Dr Craik:** I guess I take the view that if they're not going to release it, they're not going to release it. I did wonder. I did ask the department but they didn't seem to know, so I don't know. Nobody I spoke to was forthcoming with the reason, put it that way.

**Senator GALLAGHER:** Okay. We can again follow up with the department later today. How do you think the report you've done will fit in with the broader review that's required of the EPBC Act?

**Dr Craik:** I would imagine that the people who are doing the broader review of the EPBC Act will have a look at it and see whether these are things that they wish to pick up in it, because there are a few things that would apply more broadly across the board. If there's a view to looking at things sector by sector, there'll be stuff for agriculture there.

**Senator GALLAGHER:** Are you in a rush?

**CHAIR:** We're meant to be finishing at a quarter to, but we can push it out a little bit.

**Senator GALLAGHER:** Okay, I'll prioritise. Senator Rice touched on how the Monaro region is listed as a potential pilot in recommendation 19 of your review. Can you just quickly identify why you selected the Monaro region and why it was seen as a higher priority than Walgett, for example?

**Dr Craik:** Well, the Walgett one was a suggestion that came from New South Wales; we got a letter from the then agriculture minister there who also suggested Walgett. I think that's where Walgett came from. I guess because we'd spent a fair bit of time thinking about the Monaro—there were people working together there, New South Wales Local Land Services and the department were working together on the Monaro, it was close to Canberra, there'd been quite a bit of thought already put into it, and the people there were keen and enthusiastic—it seemed to us like a sensible place.

**Senator GALLAGHER:** You provided a short, two-paragraph addendum to the report on 17 October. Where did that come from and why did you provide it? What happened between finishing the report and two weeks later?

**Dr Craik:** Someone made a suggestion to me about—

**Senator GALLAGHER:** Who was that? Do you remember?

**Dr Craik:** Yes, I think it was one of the other fellows on the team who was doing this work with me.

**Senator GALLAGHER:** So you had finished the report, had handed it in and were talking about it—

**Dr Craik:** And he suggested getting an independent person to oversee it. Then someone else—I have no idea who it was—suggested an ombudsman-like person. It seemed to me that they were quite good ideas, so we might as well put them in the mix.

**Senator GALLAGHER:** But it hadn't come back to you from the department or the minister's office?

**Dr Craik:** No.

**Senator GALLAGHER:** Do you remember why that came up after the review had been finished?

**Dr Craik:** I guess Terry and I were talking about it—

**Senator GALLAGHER:** Who was on the team with you.

**Dr Craik:** Terry was on the team, yes—

**Senator GALLAGHER:** About a way forward?

**Dr Craik:** New South Wales had made an offer of quite a sizable number of staff, about 11, to work with these people at no cost to the Commonwealth. We thought it was quite generous. When Terry suggested an independent person, I thought that was a really good idea.

**Senator FAWCETT:** Thank you for your report and the work that went into it. In your oral evidence you said there were overlaps and gaps between state and federal law. You didn't talk about conflicts, except for one incident where scientific advice from Western Australia conflicted with scientific advice from the Commonwealth, which resulted in an unresolved situation that affected the landholder. Are you aware of other conflicts?

**Dr Craik:** I don't know whether you'd quite call it a conflict, but I suppose one of the things that is different, which farmers find confusing, is the whole business of offsets. Every jurisdiction manages to calculate its offsets differently from everybody else. If you want to do something and you have to get state and federal approval for the same thing and you have two different offsets, what do you do? The other state-federal thing that comes to mind is the Tasmanian irrigation people. They said that conditions that were applied to their initial approval under the EPBC Act and weren't actually applied under the Tasmanian act subsequently were applied under the Tasmanian permit even though they weren't relevant. Then there was a difference as to who was actually enforcing these—was it the Commonwealth or Tasmania? It wasn't so much a conflict as a complete lack of clarity and an overlap of who was actually in charge here. They are the examples that come to mind.

**Senator FAWCETT:** The couple of examples you cited almost sounded like a lack of natural justice. I'm speaking particularly about the pine tree plantation. If I'd sown a cereal crop, paid for the seed, fertiliser and diesel, put the crop in, got multiperil insurance et cetera and species X had then decided to migrate and live in my field and I was told I couldn't reap and sell that crop, I would see that as a complete breach of natural justice. The time frame is different when you plant trees—they're long-life crops—but the principle is the same. Are there other examples where somebody was significantly harmed financially by something completely outside their control?

**Dr Craik:** Yes, fruit bats. Some bats that are threatened move into a fruit crop, like lychees, up north. I think there have been a couple of instances of those sorts of things.

**Senator FAWCETT:** People tend to think about natural vegetation with a native species, but if the vegetation is there only because a farmer has planted it, and if a species has moved in, do the farming community see that as completely unfair, because, if it weren't for their effort and investment, the species wouldn't be there anyway?

**Dr Craik:** Yes, exactly. The Western Australian case with the pine trees and Carnaby's cockatoo moving in—that pine had been planted with a view to being provided to the local sawmill, which generates employment. There are all the consequential financial penalties that fall from it, yes. It is a really difficult one. One of the things that we suggested when we recommended the billion-dollar biodiversity fund tied to the EPBC Act was that farmers who got themselves into that sort of situation ought to be entitled to some kind of compensation, because they're really giving up their income for a public-good reason, through no fault of their own.



**Senator FAWCETT:** You could argue they're not so much giving it up; it's being taken away from them. It's not exactly a voluntary effort on their part.

**Dr Craik:** No, that's true.

**Senator FAWCETT:** Land use is somewhat more problematic. But if you purchase 150 hectares and there is no impediment on your using that land as you see fit and you want to develop an extra 30 within it and then down the track somebody changes the law and says you can no longer do that, is there any evidence at state or federal level of grandfathering permissions or compensation, or is that now just a hazard of being in the ag sector in Australia?

**Dr Craik:** I can't think of any, but you have some of these funds in the states, like the New South Wales Biodiversity Conservation Trust, where they enter into long-term management agreements with farmers to look after, protect and manage a natural area alongside their operation to keep it natural, and it gives the farmer some return for doing that. As far as I could tell—and I haven't looked at it closely—when I wrote the report, that was working quite well. In another piece of work, we recommended to the New South Wales government that they put a lot more money into that fund, and they have put a lot more money into that fund. It seems to be working well.

**Senator FAWCETT:** I think the essence there is that there's an agreement, as opposed to a unilateral imposition of conditions that weren't in existence at the time that the investment into the property was made.

**Dr Craik:** That's very correct.

**Senator FAWCETT:** You gave of the ecological study done around noise of what I think you said was a bat. It was inconclusive, so the landholder has now had to do three inconclusive studies. I'm aware that with other regulators and departments there is often a time frame around which a decision has to be given back to an applicant for approval. Does that exist at either state or federal level in the environmental space?

**Dr Craik:** Yes, there are some time frames in the EPBC Act. I can't remember—

**Senator FAWCETT:** Was evidence given to you that those time frames are broadly respected and met? Those two examples you've cited appear to be gross breaches of that.

**Dr Craik:** I know; they're very long. I'm not sure whether the long period of time in that decision was breaching any specified time frame, but there certainly are time frames for some parts of the legislation. I'd have to go look; I honestly can't remember now.

**Senator FAWCETT:** That's fine, I can ask the department this afternoon.

**Dr Craik:** Yes, they would know much better than I do.

**Senator FAWCETT:** I was just interested to know, from your feedback, whether people were saying, 'Yes, they exist, and generally are met,' or—

**Dr Craik:** No, they just complain about the time frame. It's a number of years, and they get a bit fed up.

**CHAIR:** Thank you very much for your evidence to us today. It has been very valuable.

**Proceedings suspended from 11:59 to 12:33**

**CAMPBELL, Ms Emma, Acting First Assistant Secretary, Biodiversity Conservation Division, Department of the Environment and Energy**

**COLLINS, Ms Monica, Assistant Secretary, Office of Compliance, Department of the Environment and Energy**

**KNUDSON, Mr Dean, Deputy Secretary, Environment Protection Group, Department of the Environment and Energy**

**OXLEY, Mr Stephen, First Assistant Secretary, Heritage, Reef and Marine Division, Department of the Environment and Energy**

**RICHARDSON, Mr Geoff, Assistant Secretary, Protected Species and Communities Branch, Department of the Environment and Energy**

**TREGURTHA, Ms Margaret, Acting First Assistant Secretary, General Counsel Branch, Department of the Environment and Energy**

**CHAIR:** Welcome. I understand that information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. I remind senators that the Senate has resolved that an officer of a department of the Commonwealth or of a state shall not be asked to give opinions on matters of policy and shall be given reasonable opportunity to refer questions asked of the officer to superior officers or to a minister. This resolution prohibits only questions asking for opinions on matters of policy and does not preclude questions asking for explanations of policies or factual questions about when and how policies were adopted. Officers of the department are also reminded that any claim that it would be contrary to the public interest to answer a question must be made by a minister and should be accompanied by a statement setting out the basis for the claim. Do you have any comments to make on the capacity in which you appear?

**Mr Oxley:** I'm appearing here today because I had responsibility for the division in which the grasslands sat a couple of years ago. That was at the time the Wildlife, Heritage and Marine Division. And the Senate invited me to attend, and one always accepts such invitations.

**CHAIR:** And how could you refuse? That's right. So, we have, during the morning, had Senators Urquhart and Smith on the line—I don't think they are at the moment—and they may join us at some stage this afternoon. Do you wish to make a short opening statement?

**Mr Knudson:** No, thank you, Senator.

**CHAIR:** Okay, I suspected that might have been the case. This hearing, as you know, is primarily focused on grasslands. We've also got a particular focus on the issue of the temperate grasslands of the Monaro tableland as a bit of a case study. I know that Senator Fawcett has been a bit concerned about how much focus we've had on that, but I see it very much as a case study of the pressures that our grasslands and the threatened fauna that rely upon those grasslands have to endure. I want to start off talking about the agriculture sector review in terms of its interactions with grasslands and agriculture. What prompted the decision to initiate an agriculture sector-specific review of the EPBC Act, noting that that the 10-yearly review of the EPBC Act was going to take place this year?

**Mr Knudson:** That was a decision by the government. I've been involved with the act now for, gosh, almost eight years, and there are basically three very large sectors which interact with the act a lot—firstly, the housing sector and urban development; secondly, the mining sector and resource extraction; but the third one where there's a fair amount of concern has always been in the space of agricultural development. That's always been an area where the challenges are a bit different too.

We know that if I'm talking to a BHP or Rio Tinto they have a team of environmental assessment officers et cetera who can more than readily go through the act and understand what the provisions of the act are and how to comply with it et cetera. That is a different dynamic for the farming sector, and I think we have been hearing for a while—and we've had a consultation engagement with the National Farmers Federation, for example, going back several years—that there's been an underlying set of issues with respect to understanding how to comply with the act, making it as easy and as clear as possible for farmers, and how to do that in an effective way. What I think we've seen is that, as bureaucrats who are trying our best to communicate as clearly as possible, often enough we're still missing the mark, and I think that becomes very clear with the farming sector. So I can't give you an answer as to why the government chose to focus in on the agricultural sector and its interaction with the act prior to the formal review, but I would say—and that was the point of my answer—that there's just been a lot of engagement with the agricultural sector for a number of years, and it hasn't been working as well as it should.

**CHAIR:** So what you're saying is that it was a government decision but it wasn't prompted by a suggestion or a proposal from the department?

**Mr Knudson:** Not to my recollection.

**CHAIR:** Can you then take us through the time line, as far as you're aware, from when you were first aware of this proposal to do a review.

**Mr Knudson:** I'm just going turn to one of my colleagues—Geoff, I think you had a list of the time frames—but I think March 2018 was the actual launching of Dr Craik's review. And I'm just reading through some time lines to see if there's any mention of—and there isn't in here—any earlier consideration. That being said, Senator, I'm happy to come back on notice, if that's helpful, about whether there were any sort of specific public statements by the government that it wanted to take a look at the agricultural sector and its interaction with the act prior to the announcement in March.

**CHAIR:** So how about prior to the formal announcement—the process of engagement with the department prior to the announcement? Presumably there were discussions with you. You weren't taken completely unawares.

**Mr Knudson:** No, that's right, and that's why I'm suggesting perhaps it makes best sense for me to come back on notice with any of the specific steps that were taken leading up to that March 2018 announcement. But it's a fairly typical process. There would have been a discussion about a proposed terms of reference. There would have been discussion about the selection of Dr Craik to head the review. All of those would have been elements that would have happened prior to the announcement.

**CHAIR:** Can I take you to the documents that were released under freedom of information, which I presume you're aware of—the department emails. There is a document sent from you, Mr Richardson, to Ms Collins and other people who we are unaware of. It says, 'Hi, Monica,' and then there is a blanked out section, 'in conversation with—

**Mr Richardson:** Can I just clarify which document you're referring to?

**CHAIR:** It's an email sent on Thursday, 9 March.

**Mr Richardson:** Okay, I've got that.

**CHAIR:** It says, 'In conversation with'—it is blanked out—'MO,' which I suppose is 'ministerial office'?

**Mr Richardson:** Minister's office.

**CHAIR:** 'He raised the recent email traffic on the natural temperate grassland of the South Eastern Highlands ecological community. He started quizzing me on the change definition, and I gave him some basic information. He made the point that for farmers in the Monaro this is the No. 1 issue of concern to them. When I tried to draw him on how the issue is manifesting—i.e. stopping them from doing stuff on their land or confusion over the definition—and, therefore, what might constitute a significant impact, he really couldn't explain it.' It then goes on to setting up the meeting with Angus Taylor, which we will come back to. But I wanted to ask you about the interaction of this email correspondence and the agricultural review.

**Mr Knudson:** What I would say goes back to what I said earlier on: there've been a range of concerns about—and from—the agricultural sector with respect to the act that have gone on for a number of years. This is another example of that, absolutely.

**CHAIR:** Do you feel the two are related?

**Mr Knudson:** It's almost like a cumulative impact; it's another piece of the range of different issues that have played into a concern within the agricultural sector. And, indeed, this is a year before the review was announced, because it was March 2018 when the review was announced. So, indeed, it would have been one of the elements that would have gone into that.

**CHAIR:** In March 2017?

**Mr Knudson:** Yes.

**CHAIR:** Okay. So we had meetings with Minister Taylor in 2017. Then, come 2018, we've heard evidence from former Senator Williams this morning about a meeting of the National Party. He said he'd heard Richard Taylor on *Country Hour* and was concerned about it. He raised that with the National Party, and then there was a National Party meeting in early 2018, which was attended by someone from Minister Frydenberg's office and also someone from the department. Can you tell us who the department person that attended that meeting was?

**Mr Knudson:** I think you're referring to this: I attended a meeting where there was a member of the National Party in attendance. That would have been in October 2017, though. So I'm not sure whether that's a different meeting that was being referred to by the former senator this morning.

**CHAIR:** His meeting was in March in early 2018. It was after he'd heard Richard Taylor and heard about the compliance action that was taken against Richard Taylor. He couldn't recall the exact date, but he said that he heard the *Country Hour* report, which he felt was in January, and that he then raised it in the National Party party room, and then they organised a meeting that was attended by somebody from Minister Frydenberg's office and someone from the department.

**Mr Knudson:** It sounds, then, like it may be a different meeting, because, like I said, the meeting I attended, which Mr Frydenberg himself was at for a period of time—there was division so he had to leave for part of it—was initiated by then Senator Williams, and that was in October 2017. It, absolutely, was a discussion on the relationship of the act and its impost—or perceived impost—on the agricultural sector, and on grasslands as a specific case, in trying to understand the listing decision, what the rationale was et cetera. All of that was canvassed then. So I'm just having trouble reconciling the two meetings.

**CHAIR:** Specifically with regard to the Monaro Tablelands grasslands, that was the October 2017 meeting?

**Mr Knudson:** The October 2017 meeting was about the act as a whole. I tried to lay out, in effect, some of the statistics around the number of assessments that are actually required for agriculture related activities under the act. The questions, as I recall from that meeting, also went into the grasslands listing, and I remember a couple of the senators being fairly exercised about waiting, and they said, 'Well, doesn't this listing prohibit that?' and 'Isn't that something that we want to have happen?' et cetera. That's what I mean; it got into that specific level. But very much the purpose of the meeting was to talk about the overall interaction between the act and the farming sector.

**CHAIR:** Thank you for the information about that meeting. But I want to go to this separate meeting, for which, as we say, we haven't got a specific date. It was in early 2018. Former Senator Williams said of it this morning that there was somebody from Frydenberg's office and somebody from the department. Was it one of your colleagues?

**Mr Knudson:** I'll check with my colleagues, but it does strike me that you don't very often get to meet with a full party room of the National Party, so that would stand out in my mind if that had happened. What I recall is the October 2017 meeting. All I can suggest then, Senator, is that it may have been someone else from the department. But, again, I find it hard to imagine that I wouldn't have known about that. My colleague Ms Collins has just pointed out that there was an ABC news report about Richard Taylor in October 2017 as well, which lines up with what we've been talking about.

**Senator GALLAGHER:** We might have to go back and check with former Senator Williams on the dates.

**CHAIR:** It may indeed have been October that he was referring to.

**Mr Knudson:** That would be helpful, I think.

**CHAIR:** Certainly, it was a *Country Hour* report, as he reported it. So was that the October 2017 report?

**Ms Collins:** Yes. It's ABC Rural. The date on it is 9 October 2017.

**CHAIR:** Okay. So maybe we're out by a few months, but it's the same meeting.

**Mr Knudson:** Yes.

**CHAIR:** Regarding that meeting in October—whether it was in October; it may be the October meeting—former Senator Williams said this morning that he felt that a review of the interaction of agriculture with the EPBC Act was raised at that meeting as a potential initiative. Would that be your recollection as well?

**Mr Knudson:** There was absolutely a sense that there was a need to try to take a look at the interaction of the act with the farming sector. I made the point that the statutory review of the act was forthcoming. Indeed, it's due to start by October of this year. But, as I recall, there was definitely the sense of a desire to get on with that sooner rather than later. So, going back to my cumulative impact analogy, I think that was another piece that fed into the government considering to launch this review. But, ultimately, as I said, that's a decision for the government. So I'll come back to you on notice with respect to any other possible public statements, considerations et cetera that would have led to the government deciding to initiate the review.

**Senator GALLAGHER:** Were there any notes from this meeting? Did you take notes? Were there formal, official minutes?

**Mr Knudson:** No. As you can imagine, when you're in a room of senators, your attention is heavily focused on trying to respond to the questions and the dialogue that is happening there, as opposed to taking notes.

**Senator GALLAGHER:** So there's not an official record.

**Mr Knudson:** I don't have any, no.

**Senator GALLAGHER:** Former Senator Williams also said in evidence today that there were requests—I can't remember the exact language; we'd have to go back to the *Hansard*—to ease up on the compliance action in relation to the concerns that Mr Taylor had made, and he felt that that message was heard; I think that was the language he used.

**CHAIR:** Yes.

**Senator GALLAGHER:** In fairness, what would be your response to that?

**Mr Knudson:** I think that, first and foremost, I'm going to ask my colleague from the head of compliance to talk about this. But, in effect, there was a genuine and strong level of concern about farmers being able to understand what actions they needed to take or not take to be in compliance with the act.

**Senator GALLAGHER:** That's at this meeting?

**Mr Knudson:** Yes, and there was a key message. Earlier on I used the example of weeding and the confusion of some of the senators, who said, 'But, hold on, if we are trying to kill weeds which are important to protect the ecological community, why are you trying to do compliance against weeding?'

That isn't the intention of what we were trying to do with both the listing and any subsequent compliance action. So where that led to is that we've worked pretty extensively with a number of the farmers and the National Farmers Federation, but also the New South Wales Local Land Services, to try and develop some very plain-language guidance for farmers. I think the document has six different types of grasslands and says it's only these two that are really of significance in terms of having great ecological value, and it talks about how those can best be managed. That was born out of meetings like that one with the National Party senators and members, where it's just so evident that we have to get better at making things as clear as possible.

**Senator GALLAGHER:** Yes, I don't disagree. I guess my question was more about Mr Williams's understanding of that meeting, where he said that the message was, 'Ease up on the compliance action underway,' and that that message was understood. That puts you in a bit of a difficult position as the compliance arm; I accept that. But you were in a meeting with Nats, where there's no official record, and so I'm saying, 'What's your response to that?' I understand about the information, and I support that, but what's your response to that—that you left that meeting with an understanding that easing up on compliance action was being sought?

**Mr Knudson:** I have overseen the compliance and enforcement elements of the department for nearly eight years now. Not once has there been a direction from any minister of any government to 'ease up' on a compliance action. That being said, we meet with a range of stakeholders, whether it's NGOs or peak bodies or senators, and we'll often hear very strong views about what we should or should not do with respect to compliance or anything else. That's completely appropriate. You're absolutely entitled to your views, as are other citizens. But, in terms of a direction, that has not happened.

**Senator GALLAGHER:** That wasn't my question either, about a direction. But I get it.

**CHAIR:** As reported by Senator Williams. He also, as a result of that meeting, said that he felt that the agriculture review was proposed as a way forward to be dealing with these issues. He said that his preferred option would have been to amend the EPBC Act to remove grasslands altogether and that he was trying to lobby the crossbench for that to occur, but he knew that that wasn't going to be successful. So do you agree with his assessment that the agriculture review was put forward as a way to further the discussion on this issue?

**Mr Knudson:** I'm trying to recall. As I said, I do remember very clearly, as I said earlier on, that there was a strong sentiment that waiting for the statutory review of the act was going to take too long to meet the desires of a number of the senators and members of parliament. But, as to the specifics about the standalone review with respect to the agriculture sector, I don't recall.

**CHAIR:** But do you feel that having to review with a shorter time frame would have got more sympathy from those National Party MPs than waiting until the end of this year?

**Mr Knudson:** There was a strong desire to fix some of the issues. If I can just go for a quick aside, there were a number of fairly impassioned statements by some of the members from the Nationals around the impact, psychologically, that uncertainty about whether they were in compliance with the act or not was having on the farming community. So that sense of urgency was absolutely there, but I can't directly recall whether there was a specific suggestion of the review of the agricultural sector proposed as a path forward.

**CHAIR:** Okay. I'm just getting the time line straight, then, as to the other impetus that might have led to the review, and I'm going back to the emails of March 2017 and the meeting that was set up with Angus Taylor. So we've got a meeting. Can you talk us through that process.

**Mr Knudson:** Sure. And the good news is that we have Mr Richardson here, who was actually involved in that meeting. I think Geoff is actually closer to being able to walk through some of that chronology.

**Mr Richardson:** Senator, I just want to clarify the question. Are you asking about the events that led up to the actual meeting being held?

**CHAIR:** Yes.

**Mr Richardson:** In large part, if not completely, that's covered by the documents that we've released under the FOI. So the first I was aware that there was to be a meeting with Minister Taylor was that first email that you've referred to. Sorry, I take that back. There was a conversation that was reflected in that email of 9 March, so that would have been my email following a conversation with the ministerial office staffer. Subsequently, there was that request coming through in writing from the minister's office seeking my attendance at a meeting on the 20th.

**Senator GALLAGHER:** Before we get into this line of questioning, can someone at the table answer for me how or when the department became aware that Minister Taylor had an interest in Jam Land, and the compliance action being undertaken—the correlating activity happening with land owned by Jam Land? I think that would assist.

**Ms Collins:** I haven't got specific timing in relation to that question, but we were certainly aware at the time the request came in, that—

**Senator GALLAGHER:** For the meeting in March 2017—at that point you were aware?

**Ms Collins:** We were aware that there was a relationship between the landowner and Minister Taylor.

**Senator GALLAGHER:** And how did you become aware of that?

**Ms Collins:** I can't say exactly, but we knew there was a familial, as in family, relationship.

**Senator GALLAGHER:** It's pretty critical information, isn't it? So someone must have advised someone? There must have been some sort of formal information?

**Ms Collins:** I'm not sure exactly how it came about that we were aware of that, but we were certainly aware of the family relationship between the landowner being investigated and the minister. And so we were—and I think it's fair to say my colleague, Mr Richardson, was going out of his way to make sure that there was no action that might threaten the integrity of the investigation.

**Senator GALLAGHER:** Okay, we can come to that. So there's not a specific date you're aware of and you're not aware of how you came into that information, or how the department came into having that information, but you had it by March 2017? Is there any way of actually finding out that information?

**Ms Collins:** Sorry, could you repeat the question?

**Senator GALLAGHER:** Is there any way you can find out that information on what date—

**Ms Collins:** I can take that on notice, certainly.

**Senator GALLAGHER:** and how that information was relayed? I think that is critical to the committee's understanding of what's happened.

**Ms Collins:** Yes.

**Mr Oxley:** Senator, your question was about how that information was relayed. Could you just be clearer about to who?

**Senator GALLAGHER:** I guess I'm trying to find that out too. I'm trying to understand on what date and to whom in the department information was provided about the link between Minister Taylor and the compliance action being undertaken, and how that information was relayed. For example, if Minister Taylor provided that information, you can understand that position being put. You could also understand it coming through a search of the records of the company, for example. It's not clear to me how the department came into that information, and I think it is useful to understand what form that was. And, of course, the subsequent thing, which I think is where Senator Rice is going, is how that was managed.

**Ms Collins:** Okay. I will take that on notice. I'll say it's also not unusual for us to do a property search to just work out who the property owner is in terms of our investigation and who we're dealing with. But, as I say, I'll take it on notice specifically.

**Senator GALLAGHER:** Yes. There are questions about whether that should have been the way that you became aware. If that is how you became aware of the information, we would have other questions—perhaps not

for you. But I think it is pretty critical. It does surprise me a little that that information isn't at the fingertips of officials at the moment.

**CHAIR:** Just to get the time line straight, I'm going to go back. On the time line I have in front of me, I just want to confirm with you that the alleged unlawful clearing of the grasslands by Jam Land occurred in October 2016.

**Ms Collins:** That would be about the right timing, yes.

**CHAIR:** The information in front of me is that it was reported to the New South Wales department in November 2016. And then, in December 2016 and January 2017, I'm told that the New South Wales department did site inspections and the federal department began investigating.

**Ms Collins:** That sounds about right. I don't have the exact dates in front of me.

**CHAIR:** And then on 7 March 2017 your department met with Jam Land regarding the unlawful clearing.

**Ms Collins:** That would be right, yes.

**CHAIR:** You met with Jam Land on 7 March. It was on 8 March, then, that Minister Frydenberg wrote to the department asking them to meet with Taylor regarding the listing of the grasslands.

**Ms Collins:** I think that's right in terms of the—

**Mr Richardson:** Senator, you might be looking at a different document than me. I am seeing a 15 March email from the office:

Geoff and Monica

I am meeting with Angus Taylor at 11am on Monday ... I need you there ...

**CHAIR:** Wednesday, 15 March—that's right. It says:

Geoff and Monica

I am meeting with Angus Taylor at 11am on Monday ...

**Mr Richardson:** Sorry, you're right. There is that Thursday, 9 March email—my record of a conversation I'd had. It had no date for a meeting, but it was basically an inquiry asking that a meeting with Angus Taylor be established. Yes, you're right. Sorry, Senator.

**CHAIR:** Can you confirm that that was in response to a letter from Minister Frydenberg to the department asking to meet on 8 March?

**Mr Richardson:** I don't believe there was a letter from the minister. This was an email from a staffer in the minister's office—sorry, it was a conversation with a staffer in the minister's office that I've reflected in an email.

**CHAIR:** So that is your email of Friday, 10 March at 3.15—oh, no, it was to you. It said:

It would be good if you—

blank—

and me could also sit down and discuss the definition and condition thresholds to be on the same page before we meet with anyone else. They can be complicated but I was thinking yesterday of the easiest way to think about them and the key points to get through to MO—

the minister's office—

and Angus Taylor.

That was on 10 March.

**Mr Richardson:** Yes. That's an internal email on the back of my email below that, from 9 March, that reflected a conversation I'd had with the minister's office.

**CHAIR:** That internal email of 10 March says 'before we meet with anyone else'. Who else had you met with regarding this issue at that stage?

**Mr Richardson:** 'Anyone other than the people within the department' is what I think I am referring to. No, I hadn't met with anybody else.

**CHAIR:** So then there is the meeting with Angus Taylor and you and somebody from Minister Frydenberg's office?

**Mr Richardson:** Yes.

**CHAIR:** And that occurs on 20 March?

**Mr Richardson:** The meeting was on 20 March.

**CHAIR:** The meeting was on 20 March. That's right. Was it unusual for you to be involved in that meeting, Mr Richardson?

**Mr Richardson:** It was not an unprecedented request. I'm not saying it happens every month. Unusually, I'm not sure how to answer that question. Could you clarify the question?

**Mr Knudson:** What I would say is that I've had a number of meetings with a number of government members and non-government members on projects in their electorates that they are concerned about or have an interest in. That is not at all uncommon. That being said, this was about a listing decision. Again, fairly clearly, it relates to that concern about the implications of that listing for farmers in the Eden-Monaro area.

**CHAIR:** It's about a listing but it's also about a compliance action that's been undertaken.

**Mr Richardson:** No, Senator, that's not what the meeting was about.

**CHAIR:** The email of 15 March also suggests it would be good to have Monica Collins there. Why was that the case?

**Ms Collins:** I can't answer that question. That email came from the minister's office. But the request was about a meeting on the grasslands listing process. So, clearly, it was something for my colleague Mr Richardson to respond to.

**Senator GALLAGHER:** What was your job at that time, though, Ms Collins?

**Ms Collins:** My job was head of the compliance branch, at that time.

**Senator GALLAGHER:** So the minister's office asked the head of the compliance branch to come to that meeting?

**Ms Collins:** The request was, 'It would be good to have you there, Monica, if you can make it.' But I didn't take that up. I left it with Mr Richardson as it was about the grasslands listing process, which is under his jurisdiction.

**Mr Knudson:** That being said, we get questions fairly regularly about why we undertake compliance in certain ways or why we don't. I think it's important that we communicate that as clearly as possible and explain why we have the posture, with respect to compliance, that we do. I believe one of your staff members did attend. That was specifically in case there were questions that didn't go to the specific compliance matter but rather were in the generic because it wouldn't have been appropriate to discuss a specific compliance case. And, indeed, nothing of that kind came up.

**Senator GALLAGHER:** I understand that you do have that broader role. In the instance that we're discussing today, though, it's a minister's office asking the head of compliance to come. When that person has a business interest in land that is currently having compliance action taken, I think there is a bit of a difference. How did the department—

**CHAIR:** Could I just clarify, again, that you were aware, at the time of that meeting, that Angus Taylor had a business interest in the land that there was compliance action being undertaken on?

**Ms Collins:** We were aware that Angus Taylor was the brother of one of the directors of the land we were investigating.

**Senator GALLAGHER:** Is that a bit different to—

**Ms Collins:** When we're conducting an investigation, we need to work out who it is that needs to be answerable to whether or not the act was complied with. We don't then go into all of the business associations that extend beyond that. Once we've got who the landowner is, we know who we're working with.

**Senator GALLAGHER:** Going back to my question before, it was quite specific: how and when did the department know about Minister Taylor's interest in Jam Land, which was currently under investigation by the department? And I think you said to me that, in March 2017, you were aware of—

**Ms Collins:** The relationship.

**Senator GALLAGHER:** Right. That's different.

**Mr Knudson:** It is.

**Senator GALLAGHER:** So we need to clarify that. That is different to the question I asked.

**Ms Collins:** Yes. I'll clarify that. We were certainly aware, at the time that this request came in—

**Senator GALLAGHER:** Of the familial link.



**Ms Collins:** Of the familial link. I'll need to go back and check in terms of awareness around a business relationship, if that's what your question was.

**Senator GALLAGHER:** As a specific interest in that land, yes.

**Ms Collins:** Okay.

**Senator GALLAGHER:** At that March meeting, the general meeting that you didn't attend but a member of your staff attended from compliance—and Mr Richardson, you attended?

**Mr Richardson:** And a member of my staff as well.

**Senator GALLAGHER:** And a member of your staff. Did Minister Taylor declare, ahead of that meeting, his business interests in Jam Land?

**Mr Richardson:** No. There was no interest disclosed at the start of that meeting. But the meeting was about the listing of the grassland. That's why I took one of my staff members, who was intimately familiar and had conducted the reassessment, to answer those sorts of questions about how the listing worked in practice.

**Senator GALLAGHER:** You don't think it's relevant that—

**Mr Richardson:** I don't have a view, but it's not—

**CHAIR:** Minister Taylor did not declare his own personal interest?

**Mr Richardson:** No.

**Mr Knudson:** We'd point to Minister Taylor's statement in the House with respect to how he has managed any declarations of interest et cetera, which I think has been canvassed pretty extensively.

**Senator GALLAGHER:** We're aware of that.

**Senator FAWCETT:** Mr Knudson, were you aware at the time or subsequently that Minister Taylor also made clear to the minister that the compliance issue was on foot and should not be discussed during the meeting?

**Mr Knudson:** No, but that seems completely appropriate.

**CHAIR:** Was the compliance issue discussed at the meeting?

**Mr Richardson:** No, it was not raised. It was not discussed.

**CHAIR:** We've got the briefing paper, the summary document that was prepared for that meeting, which—

**Mr Richardson:** Are you referring to document 4A, Senator?

**CHAIR:** Yes. It goes through the background of the grasslands listing consideration, the implications, the consultation about the listing, the guidance, the identification of minimum condition thresholds, the recommendations for management, the mapping, how much awareness there was of the listing—I might come back to some of these issues later. But then it goes through the delisting process. Why was a delisting process included in that summary background paper?

**Mr Richardson:** I don't recall specifically. It was a factual piece of information that I've included. I actually can't recall why we put it in there.

**Mr Knudson:** I think it's fair to say that this is sometimes a pretty archaic bit of legislation, and quite prescriptive. We'd spell out the process for considering a listing, an uplisting or a delisting. All of those are relevant parts of the act. As the office had indicated, they were looking for a pretty comprehensive brief on not only the specifics on the science behind this listing but also the logistics and the requirements of the act with respect to any consideration of a listing, and this would be part of that.

**CHAIR:** It seems quite strange to me if this is just about the listing process. In particular, from the paragraphs written under delisting: there is a process for nominating delisting of ecological communities based on a recommendation by the Threatened Species Scientific Committee minister. Given the TSSC's revision was recently conducted, it is highly unlikely that they would recommend reviewing an ecological community again. So it wasn't as though it was a listing that was done a long time prior; it was only very recent.

**Mr Knudson:** That's right.

**CHAIR:** So I ask again: why include that about delisting, and was that delisting discussed at the meeting?

**Mr Richardson:** No, there was no discussion of delisting at the meeting. The discussion was about the consultation leading up to it in the form of the new listing—the revised listing in 2015—and how that could be managed by farmers who had this community on their land.

**Mr Oxley:** Senator, I also make the observation that, at about this time—before and after it—as you know, there were extensive discussions going on, most of them public, around the listing and protection of particular

species, with flying foxes being a good example. There was a lot of public discussion around the veracity of listing and assessment processes and so on. I see the inclusion of that reference there to be for the sake of thoroughness, given that issues around listing, delisting, uplisting and downlisting were in the public discourse at the time.

**CHAIR:** I haven't got the document in front of me, but was it related to the alleged conversation between Minister Frydenberg, with the department, about whether he could change the listing and whether it would have to be published?

**Mr Oxley:** You're referring now to emails that are subsequent in that chain. It's the email from me on 22 April and also my diary note from the day prior. I think it's pretty clear from the diary note that we should not read direction into the questions. But what I will say about the adviser we're talking about is that he was incredibly thorough and always wanted to have all of the information and all of the options at his disposal, because Minister Frydenberg similarly was quite forensic in wanting to understand the issue he was dealing with and what his options were. I took that, as was clearly indicated by the adviser, as him wanting to be well equipped for the time when he might be having the discussion with the minister—hence why there was such a wide canvassing of options in the email from me.

**Senator GALLAGHER:** Who is the adviser you're referring to there, and does he still work—

**CHAIR:** Or she.

**Senator GALLAGHER:** It's a he, because he said 'he'.

**Mr Oxley:** Yes, I did say 'he'. That adviser, so far as I'm aware, is no longer working as an adviser to the minister.

**Senator GALLAGHER:** Why are they exempt under FOI? I notice all of your names were—

**Ms Tregurtha:** Our general approach for FOI is to put senior officers' names into the public domain, but, if they're more junior officers or more junior staff in the minister's offices, we redact the names.

**Senator GALLAGHER:** What's the level for that? In the minister's office, what's the level where you'd draw the line?

**Ms Tregurtha:** If it were the chief of staff, we would disclose that. Under that we wouldn't, to be clear.

**Senator GALLAGHER:** So you can have pretty senior advisers but they're not disclosed? It's only COS level?

**Ms Tregurtha:** That's right.

**Mr Knudson:** I think the practice within departments is proceeding with SES—

**Ms Tregurtha:** Yes, in the department, it's for SES officers.

**Senator GALLAGHER:** Whose rule is that? I don't know that ministers' staff are exempt under the FOI Act.

**Ms Tregurtha:** No, it's not a question of being exempt under the act; it's just the way in which we approach, I guess, managing the balance of what's in the public interest to disclose in terms of personal privacy.

**Senator GALLAGHER:** Is that you as in the department of the environment?

**Ms Tregurtha:** That's the department of the environment's method, but it's not uncommon. I've worked in other departments that take the same sort of approach.

**Senator GALLAGHER:** Senior advisers can earn upwards of \$200,000. They're not junior officers in the Public Service sense of the word or the definition. I'd question why they would be provided with that anonymity when they are senior employees in a minister's office in a senior role which has public interest attached to it. Is it from the secretary? Is it a policy? Is it written down?

**Ms Tregurtha:** I'd have to check and see what's in our policy specifically, but that is our approach to this issue.

**Senator GALLAGHER:** It's a convention?

**Ms Tregurtha:** It's convention, yes.

**Senator GALLAGHER:** Is it determined by someone at some time?

**Mr Oxley:** I've been in the department for 15 years as a Senior Executive Service officer, and it has been the practice for as long as I can remember that we apply that standard around disclosure of identity.

**Senator GALLAGHER:** I'm sure other departments provide guidance. It's not a consistent position across the service. But perhaps this is distracting from today.

**Mr Knudson:** For clarity on this position: this is not a senior adviser within the minister's office.

**Senator GALLAGHER:** Is the blanked-out name throughout this the same one person?

**Mr Richardson:** To my recollection, the only office staffer I was dealing with was the same officer. That's right.

**CHAIR:** Okay. Can I take you to two more things in those email chains. I haven't got the number of the document, but the document that was sent on 9 March says:

Hi Monica and s22

In a conversation ... yesterday, he raised the recent email traffic on the Natural Temperate Grassland of the South eastern Highlands EC.

Can you shine some light on what that recent email traffic was and whether we have been provided with that? It doesn't seem that we have, as we've got nothing before then, have we?

**Mr Richardson:** I don't recall. I think that was a reference to the staffer talking about email traffic. But I'm not aware of and couldn't find—obviously, if we'd found them we would have supplied them under FOI—any emails prior to that.

**CHAIR:** So, potentially, email traffic to the minister's office?

**Mr Richardson:** Correct—that's what I'm assuming, based on the fact that I didn't find any in my traffic, prior to this one, relevant to the FOI.

**CHAIR:** And do you have any information about who that email traffic would have been from?

**Mr Richardson:** I don't recall, and all I can go with is that, as I said there, I quizzed the staffer and I didn't get a lot of information. So no, I can't give any more than what's in the document.

**CHAIR:** So you don't know whether it was from Angus Taylor to the minister, for example—

**Mr Richardson:** I don't know.

**CHAIR:** given that you were then responding on the easiest way to think about them and the key points to get through to the minister's office and Angus Taylor?

**Mr Richardson:** I don't. As far as I'm aware, there wasn't mention of Angus Taylor before this set of emails; and, if there was any mention, it would've been in the scope of the FOI and we would've discovered it and we would've released it under the FOI.

**CHAIR:** Finally, as to the 10 March email, where or what is 'Allara'?

**Senator GALLAGHER:** Allara Street.

**Mr Richardson:** In Civic. It's on the other side of the street from our office. It's where Ms Collins is residing.

**CHAIR:** It's the location where you are based?

**Ms Collins:** Yes—Allara Street.

**Mr Knudson:** We have the Commonwealth water office area and the environmental assessments area; we have the compliance and enforcement area.

**Senator FAWCETT:** And the secret society!

**Mr Knudson:** And the secret society, which we cannot possibly document!

**CHAIR:** The secret Canberra society! Okay. I now want to go to document 2 in the email—the Wednesday, 15 March 2017 document, from you, Mr Richardson, where we read: 'Bonjour, Stephen'—

**Mr Richardson:** I was in Paris at the time!

**CHAIR:** 'As you'll see from the email below, I've agreed to meet with Angus Taylor, member for Hume, to clarify the listing, including the consultation that was conducted prior to Minister Hunt's listing decision. We will confine our discussion to the EPBC Act listing process, including the statutory and non-statutory consultation. We are going to talk the technical description of the listed entity including the thresholds that were introduced at the time of the 2015 listing decision and the guidance material the department has published to assist the landholders, post listing.' And that all correlates with what you've told us today. It continues: 'Deb has let Dean know about the meeting.' Then we have a big blank space, which is redacted under section 37(1)(a), and I am told that that is relevant to issues relating to compliance. Can you give us any more detail about what may have been in that redacted section? It goes on to say: 'I don't yet know if Monica or Matt Carr will attend the meeting with Mr Taylor. I haven't been able to speak with Monica today'—which also implies that there is a compliance issue.

**Mr Richardson:** I can't give you any more clarity, I don't believe, other than to say it's a piece of words relating to compliance—obviously, because that's the reason for it being redacted. But I don't think I can go into any more detail. And I don't have it in front of me either.

**Mr Knudson:** As we've said, Senator, we were aware there was compliance action with respect to this ecological community. We were aware that there was a familial connection with Minister Taylor. Indeed, as I said earlier on, the purpose of having the compliance officer at the meeting was to appropriately manage that potential for the issue to go into the compliance matter, which it didn't.

**Senator GALLAGHER:** So you had a compliance officer there to ensure that we didn't move into compliance?

**Ms Collins:** For a couple of reasons. We had a compliance officer there as an observer to ensure that the integrity of the investigation wasn't compromised; and if there were any general questions about how we go about compliance activities, the compliance officer could have responded to those. As it turned out, there were no questions about compliance activities—compliance wasn't discussed—and the compliance officer didn't talk at the meeting at all; that's my understanding.

**CHAIR:** So there was a compliance officer that did attend, but it wasn't you, Ms Collins?

**Ms Collins:** That's right.

**Senator GALLAGHER:** But was Mr Taylor advised that those were the rules of operation for the meeting: 'We have a compliance officer here, but they will not be going into any specific matter that might be before the department'?

**Mr Knudson:** As the issue was never raised, there was no need to provide that clarification. But I don't believe anything was discussed with respect to the compliance matter.

**Mr Richardson:** We had no contact with Minister Taylor before the meeting. You're asking whether those ground rules were laid out; I think those were the words you're using. As Mr Knudson said, at the meeting itself there was no issue to raise because the issue of compliance was not spoken about, raised or discussed.

**Senator GALLAGHER:** I'm trying to follow this along these lines: you've said you knew there was compliance action underway; you knew there was a familial link with Minister Taylor; you're going to come back to us about when you learnt there was a business interest by Minister Taylor in the land over which there was compliance action; you took a compliance officer to the meeting to ensure there were limits placed on any discussion about compliance. But, with all that knowledge, you didn't advise Minister Taylor that that would be how you would approach the matter—that is, you did not proactively say: 'We are here to discuss this. We're happy to help, but we are not going to discuss this.' That is my question.

**Mr Richardson:** Yes, that's correct. We went in with the information we had from the staffer about what the meeting was about. The meeting was about the listing and all the matters he raised in his email, and that was what the meeting discussion was confined to.

**CHAIR:** In the follow-up email on Friday, 24 March, to the person in the ministerial office, you say:

Following our meeting with Angus Taylor on Monday, we are exploring options to deal with the concerns raised related to the Natural Temperate Grasslands ...

You say that you've had initial discussions with the regional local land services, and you say:

We will have further discussion with agronomists to better understand any uncertainty with interpreting and applying the minimum condition thresholds that are part of the updated listing ...

Again, there is a bit that's blanked out, which has a section 37(1)(a) listing, which seems to me to be probably relevant to a compliance action.

**Mr Richardson:** That's correct.

**CHAIR:** So, even though the meeting wasn't about compliance and you didn't discuss compliance, in this follow-up email there is a section blanked out that's relevant to compliance.

**Mr Richardson:** Yes.

**CHAIR:** You are not at liberty to tell us any more about whether that was relevant to Mr Taylor's interests in compliance on the property that he had a business interest in?

**Mr Richardson:** I'll get Ms Collins to correct me if I get this wrong. The redactions associated with compliance are about ensuring the integrity of our compliance system generally, not necessarily about particular compliance matters. It is about disclosing approaches or methodologies that would compromise the ability to get

successful compliance outcomes in the future. That is my understanding, in lay terms, of the purpose of those redactions.

**CHAIR:** But you were willing to share that information with the minister's office—a minister who you knew had at least a familial interest in a compliance issue.

**Mr Richardson:** Yes. That single line said that.

**CHAIR:** But, if that were the reason for redacting that, wouldn't that actually compromise the compliance actions?

**Mr Richardson:** I don't recall right now what was underneath that blank space, but it would have been a reference to compliance or to an approach to compliance et cetera that I felt, at the time that I made the decision to include that redaction, could potentially compromise future compliance actions. That's the reason it was redacted.

**CHAIR:** Were there any other relevant compliance actions regarding these grasslands underway? Are there any others underway at the moment?

**Ms Collins:** Not to my knowledge, no.

**CHAIR:** So, really, we've got one compliance action in play at this stage.

**Ms Collins:** In the Monaro, yes.

**CHAIR:** In the Monaro.

**Mr Oxley:** I would offer a general comment here. Over many years I've made many FOI decisions, some of which have gone to matters of compliance. Firstly, I think it's entirely appropriate that we would be talking with our minister's office about our general approach to compliance. It's important that ministers and their officers understand how we undertake our compliance activities. But over the years I have made many decisions under FOI where I have not disclosed information about how the department goes about undertaking its compliance activities, because that information is incredibly valuable in the hands of people who want to subvert the system and break the law. So I think we need to understand that context.

**CHAIR:** It's quite appropriate and I understand why it's been redacted. But, as far as us understanding what the engagement is between the department, the minister's office and Angus Taylor: it would be of great value to understand the level of discussion about this compliance action that occurred at that meeting.

**Senator FAWCETT:** Can I just put on the record again that we've established that Minister Taylor made it clear to the then environment minister that the compliance action was on foot and that it was not to be discussed during the meeting. The officials have confirmed that compliance was not discussed at all during the meeting. I know you have a political agenda to try and pursue this, Chair, but the facts that have been laid out make it clear that Mr Taylor made it clear that compliance was afoot and it should not be discussed, and it was not discussed.

**CHAIR:** But there is a further reference to something related to compliance and we've determined that there is only one compliance action that is underway which was referred to in this follow-up email.

**Senator GALLAGHER:** Mr Oxley, you've just explained the advice and briefs around compliance action to ministers over the years. In your time in the service, how many times have you been in the situation where a cabinet minister has a business interest in land under which compliance action is being undertaken? That would be my response to you saying this is just standard business procedure.

**Mr Oxley:** I would not draw the link between the two. I'm talking about the approach that I have taken as an FOI decision-maker in relation to the disclosure of information that would reveal the approach that the department takes to undertaking its compliance activities. That knowledge, gathered piece by piece by piece, begins to give people who want to undermine or subvert the way the law operates a capacity to do so. And it's that protective intent that I've applied in relation to FOI decision-making. In relation to questions about how many times I've had such an experience: I haven't had such an experience before.

**Senator FAWCETT:** Can I clarify that the email that we're discussing with the redacted line was an email to Minister Frydenberg. Is that correct?

**Mr Knudsen:** Minister Frydenberg's office.

**Ms Collins:** Yes, I said a cabinet minister

**Senator FAWCETT:** To his office, and not to Minister Taylor?

**Mr Knudsen:** That's correct.

**Ms Collins:** I didn't allege it was.

**Senator FAWCETT:** The allegation was that there was a communication to Minister Taylor with information about compliance and that it had been redacted. But the facts are that it was an email to Minister Frydenberg's office—and, as the official said, it's completely appropriate for there to be transparency there—and the redaction was so that it did not become public. Minister Taylor was not involved in that chain at all.

**Mr Knudsen:** Indeed. Just to add to that, Senator, there's a regular process that Ms Collins goes through, along with the environmental assessment team, to walk the minister's office's advisers through, at a relatively high level, what's happened.

**Senator FAWCETT:** For clarity in this discussion, could we perhaps talk about Minister Frydenberg or Minister Taylor. Otherwise, the conversation can get blurred.

**Mr Knudsen:** Absolutely right. And what I'm referring to is the Minister for the Environment—who has been Minister Frydenberg and is currently Minister Ley. So it's appropriate that we would give a level of visibility to the minister's office, and in turn the minister, if necessary, about what's happening at a broad level with respect to compliance matters. So this would be completely consistent with that practice.

**CHAIR:** Yes, absolutely, let's be clear. But it's also very clear that Minister Frydenberg's office is having discussions with Angus Taylor. It was a meeting with Angus Taylor that was organised through Minister Frydenberg's office, and then two weeks later, on 13 April, an email from Mr Richardson saying, 'as requested, to support your discussions with Angus Taylor MP'. So there was clearly ongoing communication between the minister and Mr Taylor.

**Senator FAWCETT:** But the inference that the minister for the environment or his office would have disclosed things about a compliance matter, knowing that Mr Taylor had declared that and said shouldn't be discussed is, I think, an unfair and inaccurate inference.

**CHAIR:** Yes, I don't want to propose that inference. The issue that I'm making clear is that Minister Frydenberg's office was having ongoing discussions with Mr Taylor in the context of knowing that there was a compliance action taking place against a property that Mr Taylor had a business interest in and that that was known.

**Senator GALLAGHER:** I have a couple of questions before we shift off. In terms of the emails from the redacted staffer in the FOI, was it at any point made clear who he was acting upon? Was it on instructions from the chief of staff? Was it instructions from the minister? Was that made clear to the department?

**Mr Richardson:** That wasn't made clear.

**Senator GALLAGHER:** So it just appeared.

**Mr Richardson:** Correct—but I'd had a lot of dealings with this staffer. He was basically responsible for all of the business that I transacted under the EPBC Act and he was a stand-alone staffer, from my perspective.

**Mr Oxley:** That is also my experience, and I think my diary note bears that out.

**Senator GALLAGHER:** In terms of the meeting with Minister Taylor—I just want to get this very clear—the department knew the familial link to Jam Land. You were going to come back to me on the specific business link. You are aware you entered that meeting, but there was not from any party at that meeting probity discussion about handling.

**Mr Richardson:** My recollection of the time is that I was aware of the familial relationship between Angus Taylor and the individual that the compliance area was dealing with and the alleged clearing. I knew they were brothers. Beyond that, I don't believe I was aware of any other details. I hadn't heard the term Jam Land at that point.

**Senator GALLAGHER:** Was there any probity discussion from either the minister's side or the department's side?

**Mr Richardson:** As I think I mentioned earlier, there was no probity discussion either at the start of or during that meeting, and the meeting was confined to an appropriate discussion of the listing and how that listing operated.

**Senator GALLAGHER:** Thank you.

**CHAIR:** Mr Oxley, that was your handwritten note?

**Mr Oxley:** Yes.

**CHAIR:** You noted not to read directions into questions. You want to understand the minister's powers and obligations. You want to know the boundaries within which the minister can operate. Did you want to know that, or did somebody you were communicating with want to know that?

**Mr Oxley:** That is a record of a conversation with the minister's office. It's where the office is indicating that there is a range of information that they want to understand that was related to the minister's powers and obligations, but I should not be reading any direction into that line of inquiry. It was about understanding the rules of racing, so to speak.

**CHAIR:** Right. The minister wants to know what he can do.

**Mr Oxley:** As I reflect on that note, in my mind, that's the shorthand, and it should be read at that point in time as 'the minister will want to know'. That is how I am recalling it.

**CHAIR:** So you don't feel that the minister's office at that stage was operating under the direction of the minister?

**Mr Oxley:** I don't know in absolute terms whether or not that is the case. But I've described my own interaction with that adviser over a long period of time, and it was one of thorough, deep and regular inquiry about fine detail around the application of the act and what options were in order to progress or address issues at play, particularly in the threatened species listings space.

**Senator FAWCETT:** Chair, can I just say, having been a member of the executive, my expectation of staff would be that they would come to a meeting with the full range of options, even if they were not exercised. But they would be in a position to advise on those, so a good staff member would do their homework.

**CHAIR:** But it is an unfortunate tense—'Minister wants to know what he can do'—which does tend to imply that the minister's staffer has had a discussion with the minister.

**Mr Knudson:** There was basically no discussion with Minister Frydenberg that you would want to go into without a full understanding of the full range of options on any issue. That's how he approaches issues. He wants to understand them completely and comprehensively, and that's what Mr Oxley is reflecting.

**Mr Oxley:** And I'm indulging that there's an ambiguity between the first and second points in my notes. One is where the adviser was wanting to have a thorough understanding, and then you could take a different implication from the next part of my notes. But I'm saying, in the context of the adviser we were working with, that the former interpretation is the one that—

**CHAIR:** That you believe is the case now.

**Mr Oxley:** sits most comfortably with me.

**CHAIR:** I now want to go to the final document, document 8, the email on Saturday, 22 April, at 5.46 pm—so working weekends. It basically outlines all of the information that you had then put to the minister's office about operations of the act, but once again there are two sections which are redacted there, relevant to compliance.

**Mr Oxley:** They are, in my recollection, but we can certainly go back and check on notice that they fall into the category we've already described, around revelation of approaches to compliance.

**CHAIR:** In the final one there, it's in the middle of a paragraph:

The approved conservation advice, including condition thresholds, was developed in close consultation with the experts from NSW agencies to ensure alignment where possible. As noted in previous briefing, this includes the groundcover assessment methodologies that Angus Taylor MP has mistakenly been advised are not aligned.

Then we go into a blanked-out section about compliance.

**Mr Oxley:** I really do need to take it on notice, because I don't have the full detail of that quite long email advice at hand.

**Mr Richardson:** Senator, the fact that that's been redacted with 37(1)(a) means it is in the same category as the previous, so it will have been talking about compliance, either in general or in specifics, and to disclose it would then disclose an approach to the compliance and it would compromise future compliance investigations.

**CHAIR:** Okay. I now want to move on to what happens after this. We then end up with an ag review. But there are two other questions before doing that. We've been talking about the briefings from Minister Frydenberg and the interests of Angus Taylor. Have there been any other politicians, in your recollection and your experience, who have requested briefings on threatened species or ecological community listings?

**Mr Knudson:** Most of the time, I've got to say, the briefings that have happened that I've been involved with have been about proposed developments as opposed to compliance actions. This is about a listing, which is even rarer than that.

**Mr Oxley:** I think I can say with some confidence that, over the time I was head of Wildlife Heritage and Marine Division, there were occasions when we would have had some interaction with members of parliament in

relation to threatened species. Flying foxes would be one good example, I suspect—respectively in relation to white sharks and potentially also in relation to other species.

**Senator GALLAGHER:** On land they own? Excluding for the white sharks!

**Mr Oxley:** In communities in which they live, yes—

**Senator GALLAGHER:** In business interests?

**Mr Oxley:** Constituent concerns.

**CHAIR:** I just want to confirm the people who were at that meeting on 20 March. So there was one of the minister's staffers, the person we've been talking about but can't name, a compliance officer who you also can't name and—

**Mr Knudson:** A junior officer.

**CHAIR:** So a junior officer and yourself, Mr Richardson. Was there anybody else?

**Mr Richardson:** There was a junior officer from my department there to speak specifically about the ecological community list.

**Senator GALLAGHER:** Did you take any notes at the meeting?

**Mr Richardson:** No, I didn't.

**Senator GALLAGHER:** You didn't?

**Mr Richardson:** No, I didn't. We were very focused on answering the questions we were getting.

**Senator GALLAGHER:** That's the second time that answer has been given today. There are requirements and APSC guidelines about record keeping for meetings and official meetings, including with ministers and their staff. We've now been told that, for two fairly critical meetings to this whole issue, the department has not kept notes.

**Mr Knudson:** I would normally keep a note on specific action aims that would come out of a meeting. But, in this case, for the meeting that we were talking about earlier on, there were no action items that came out of that that I recall. That's why there wasn't a record kept by myself. Also, like I said, it was a pretty robust meeting.

**Senator GALLAGHER:** The guidance from the APSC is pretty clear. It's not discretionary as to whether or not you feel like taking notes. It's a critical function of public servants to ensure and protect the Commonwealth, if nothing else. So there are no notes of the meetings with the National Party and there are no notes of the meeting with Minister Taylor over the listing of a critically endangered species on land that he part-owned, of which there was no probity discussion at the beginning of the meeting?

**CHAIR:** And despite the fact that there was a very extensive briefing paper that was written for that meeting and there were follow-up emails regarding that meeting.

**Mr Richardson:** That's the point that I was going to make. On that first email with the follow-up actions that have been taken, we—being myself and my colleague from my branch, who is in the ecological communities listing area—agreed on what would happen, and some of those actions then took place. That was then reflected in an email on the Friday of that week which outlined the actions that have been undertaken.

**Senator FAWCETT:** Mr Knudson, is there a difference between a brief and a meeting if you are asked to provide a briefing as opposed to a deliberative meeting in terms of your understanding of the obligations to take notes?

**Senator GALLAGHER:** There are very clear guidelines in the code of conduct around record keeping in the Public Service. Yes, briefings are provided. That's excellent. That's also an important function. But it is not a discretionary activity by the Public Service to determine whether or not or when or not they provide records of meetings, particularly meetings with ministers. Did Minister Taylor ask the department to take any action following this meeting?

**Mr Richardson:** Not specifically. But, as the subsequent emails indicate, we did undertake to follow up some aspects of the matters that were raised during the meeting. Hence we got in touch with the local land services office, with the Office of Environment and Heritage, to follow up some of the information Minister Taylor had provided at the meeting and to see what, if anything, we needed to do to provide further clarification for landowners.

**Senator GALLAGHER:** And we'll just have to take everybody's word for that because there is no record of the meeting that can be provided. If anything, this would strengthen your evidence that there was no discussion



about compliance action and that it was all appropriate. That's part of the reason that people ask to have records taken.

**Mr Knudson:** But it would be odd to record something that didn't happen.

**CHAIR:** But if you had recorded what had happened—

**Senator GALLAGHER:** A contemporaneous note of the meeting—

**Mr Knudson:** I was going to say that Mr Richardson's point that there was an email which had the follow-up action items—

**Senator GALLAGHER:** I would argue that both are necessary for proper process.

**CHAIR:** In amongst all of this, and your investigation as to what needs to happen here, have there been representations to the department on this matter by Stuart Burge?

**Ms Collins:** The name Stuart Burge is familiar to me from interactions with the Monaro community that we've had from our engagement function in the region there.

**CHAIR:** So you don't recall, other than through that engagement function, if there have been any other interactions?

**Ms Collins:** We've been doing engagements right across New South Wales in relation to agriculture and the EPBC Act, and certainly in the Monaro region Mr Burge is a familiar name, yes.

**CHAIR:** Were you aware, in the context of those engagements, that Mr Burge was the agronomist that gave the go-ahead to Jam Land to do the alleged poisoning?

**Ms Collins:** Yes.

**CHAIR:** Can I go on to the compliance investigation. The investigation is still ongoing?

**Ms Collins:** That's right, yes.

**Senator GALLAGHER:** When did it start?

**Ms Collins:** I think we said earlier that it started in late 2016 or early 2017.

**Senator GALLAGHER:** So it's been a while.

**CHAIR:** It's getting on for three years.

**Mr Knudson:** Yes.

**CHAIR:** Why hasn't it been completed yet?

**Ms Collins:** I can't go into the details of this investigation, but all sorts of investigations have all sorts of—it's the nature of things. We do site inspections. We might get expert reports. We might get some internal expert advice. There are a whole range of activities that might be undertaken in the course of a general compliance activity. If we establish that there's been a breach of the act then there are a whole range of things that we could do in response to that. There are a whole range of activities that we've been doing in relation to this one in particular.

**Senator FAWCETT:** Can I ask a follow-up question?

**CHAIR:** Yes. I just wanted to ask a follow-up question about other compliance actions. What's the average amount of time for a compliance action? What other grasslands compliance action have you taken in recent years?

**Ms Collins:** Certainly in the last three-odd years there hasn't been another grasslands compliance matter that I can recall. That's not to say that there's never been any, but there hasn't been one for quite some time.

**Mr Knudson:** There are a number of land-clearing issues that have come up, which we've talked about a number of times. It's broader than just a specific grass species, but clearing as a whole has come up a number of times.

**CHAIR:** In terms of dealing with individual landholders, rather than in terms of large-scale clearing by mining companies or other large agribusinesses, what is the usual amount of time for a compliance action to take?

**Ms Collins:** I haven't got a set amount of time, but it's not unusual if there are complexities and we need to get expert opinions and a range of things. Also we've got a limited number of compliance officers, and it depends on their case load as well. There are a number of factors that might influence how long an investigation might take.

**CHAIR:** Are you being restricted now, because of a lack of resources, in this compliance action?

**Mr Knudson:** We can always do more with more resources.

**CHAIR:** But is the lack of resources having a consequence on the time taken in this particular action?

**Ms Collins:** That's one element of it, but, as I said, there are a lot of complexities in relation to any particular investigation.

**CHAIR:** Does the department, in general, try and do things more vigorously and in a more timely manner when it's a critically endangered species or community that's involved?

**Ms Collins:** I think as a general principle it makes sense to do compliance activity in the most timely fashion that we can. As I say, there are a whole range of factors that influence how long an investigation might take.

**Senator FAWCETT:** Could I follow up on the issue of time frames. I think you'd just come into the room when Wendy Craik was giving her evidence before. There were some examples that came up of quite prolonged time frames and very high costs for landholders. I compare this with other government departments or regulatory bodies, who often set a time frame that is at least targeted, if it's not mandated, to try and bring things to a resolution so that there's procedural fairness and justice, if you like, for a landholder. Do you set any targets?

**Mr Knudson:** We have more than targets. It's laid out in the legislation, at various points through an assessment process, when various decisions need to be made by the department or the minister, depending on who is making the decision. That being said, our statutory performance is not great. At this point, looking at the referral decision at the beginning of an assessment to the controlled action decision and finally an approval decision, for all of those legislative decision points we're about 14 per cent on time, so 86 per cent of our decisions are late. That being said, we have dug into that to try and figure out how late. There are a few projects that really blow out the numbers, quite frankly. If a company decides not to proceed with something, if they don't withdraw the referral, it stays on the book and shows up as a really late decision. So it's not as horrible as it might seem at first blush, but, that being said, it's still not a great performance. The average is around 30 days in terms of an impact on companies, but, that being said, especially on the large resource development, the opportunity cost to a company of having to wait for an approval is dramatic. It can be hundreds of thousands of dollars a day.

**Senator FAWCETT:** There were two that were given to us. I accept they are only two, but if there are two there might be more, so I'm interested to understand your approach to try and limit those impacts. In the one, I think, in Queensland, somebody spent \$70,000 over a period of time to have three inconclusive reviews and still no decision. In the one in Western Australia, it was \$500,000—I think it was over four years—because the federal and state authorities can't agree. Why should a landholder have to wear the opportunity cost and the real cost of a lack of agreement between two levels of government? That doesn't seem to be natural justice to me.

**Mr Knudson:** It's certainly not an ideal situation—far from it. It's not uncommon, unfortunately, for there to be different interpretations of the same science, let alone different science, let alone between jurisdictions. One of the things that we put in place a few years ago in terms of what the Commonwealth can do—because effectively most land management and regulatory decisions are at the state level—was something called a conditions policy, and we've also put in place a number of bilateral agreements with the states, so you have one assessment for both the state and the Commonwealth, so the company is not doing two assessments. Then the conditions policy comes in and says, 'If the state's done a good job on assessing that and has put in appropriate conditions, the Commonwealth will only apply one condition that says, "Do what the state said."'

So we are very aware that this complexity that can happen between jurisdictions is real. It's having an impact, and we're trying to manage that, but I cannot sit before you and say that we've been perfectly successful. There are a number of cases where companies have had to wait. There's the very visible example of Adani where it's been a number of years as we've worked through, with the Queensland government, that approval process. But if you combine that with legal challenges against the company—I think we're up to eight—it's the most emblematic of the complexity of trying to negotiate, whether you agree with the proposal or not, the regulatory system in the country.

**Senator GALLAGHER:** Can I ask a few questions. I think it would be useful for the committee to have a list of the meetings that the department have had with MPs and ministers over the grasslands—the listing of the grasslands. I would include that meeting with the National Party in October of 2017 in that. If you have it here, I'm happy to take it. Otherwise, come back to the committee.

**Mr Knudson:** I think we'd have to come back on notice, but I believe that that was the only meeting with a minister. The other thing that might be helpful is if we include the stakeholder engagement that happened with respect to the listing decision, because that's the external facing which also raised awareness of this issue.

**Senator GALLAGHER:** There has been criticism about that, yes. In terms of the compliance action underway, Ms Collins, I think you said that, since the revised listing in 2016, there's only been one compliance action in relation to grasslands.

**Ms Collins:** In relation to this particular grassland, yes. In relation to grasslands, from my recollection.

**Senator GALLAGHER:** Are you fairly sure of that?

**Ms Collins:** I'm fairly sure of that, since I've been in this role since about October 2016.

**Senator GALLAGHER:** That relates to the Jam Land land at Monaro?

**Ms Collins:** That's right, yes.

**CHAIR:** Mr Oxley, I want to go back to your handwritten note written on 21 April, which was the Friday. Then you were writing your response to the person in the minister's office, as I noted before, at quarter to six on a Saturday night. Is it a usual thing for you to be writing notes to the minister's office at 6 pm on a Saturday?

**Mr Knudson:** If it's Mr Oxley, yes!

**Mr Oxley:** There you go.

**CHAIR:** To me it suggests it couldn't wait until Monday morning.

**Mr Oxley:** No, don't read into that. If you looked at my email history you would find that there is a lot of weekend email—

**Mr Knudson:** And evening email!

**Senator FAWCETT:** You need to get a life. Go to Thailand and play tennis or something!

**Mr Knudson:** It doesn't end well!

**CHAIR:** Was there an issue of urgency?

**Mr Oxley:** We always like to keep things moving in terms of the provision of advice. In my mind, if I hadn't dealt with it on the weekend I would have had to deal with it on Monday, and I can't tell you what my diary looked like on that following Monday or what I was anticipating having to deal with. I can tell you that I was not long recently back from my time overseas, so I was probably playing catch-up in a significant way.

**CHAIR:** I want to now move on to the next steps towards the ag review. Senator Gallagher, have you got some more before we do that?

**Senator GALLAGHER:** Yes. I notice on that final email advice from you, Mr Oxley, on the various options and advice to the minister there was no response to that email?

**Mr Oxley:** Yes, I believe that to be the case. I did quite a comprehensive search of my email archive, our enterprise vault, searching for all the relevant words and nothing popped up in my searching. I imagine that if there had been it would have also been copied to Geoff in some way. I'm not aware of any formal response to that.

**Senator GALLAGHER:** Between that date, which is in—

**CHAIR:** It's April 2017—

**Senator GALLAGHER:** April 2017, and the issue being re-agitated publicly around October, what was the department doing? Between the meeting with Minister Taylor and the compliance action underway, prior to the briefing to the National Party party room, there's a period of months there.

**Mr Knudson:** There are a number of elements—I'm recalling from the briefing for the meeting in October—that summarised, at a fairly high level, some of our engagement with respect to the farming sector and what efforts we were trying to do to demystify the act. I don't have that to hand but I'm happy to provide a summary of that. It's basically trying to make sure that we're providing clear information to farmers. I know, Ms Collins, that you had a number of staff engaging on ground. I think it was at that time too.

**Ms Collins:** I think one of the key points was that in New South Wales the legislation around native vegetation changed and that change took effect, I think, from memory, in August 2017. I think some of the heightened awareness of the EPBC Act was coming about as a result of the changes from the New South Wales regulatory approach. In my area I've got a strategic initiatives and engagement function. Because of that change in legislation we wanted to get out on the front foot and make sure that landowners had every chance to understand the requirements of the EPBC Act in the face of the changes that were happening in New South Wales. So we ran quite an extensive engagement with New South Wales through their local land services, which are the first point of contact for a lot of landowners if they're changing agriculture practices, to make sure that people were given the best chance to understand the implications of both the state and federal legislation in parallel and how it might relate to their agriculture activities.

**Senator GALLAGHER:** So you were doing some on-the-ground work but nothing formal. The review that Senator Rice is presumably going to go to hadn't been part of the department's thinking during that time, in the lead-up to that October meeting?

**Mr Knudson:** I can't remember which of the senators referred to that coming up in the meeting based upon former Senator Williams's—

**Senator GALLAGHER:** No, we've done that. And Senator Williams has been in touch with the committee and confirmed that that was the meeting. So it wasn't in 2018; it was October 2017.

**Mr Knudson:** Yes. I'm pausing on this just to say that I think we'd have to go back and take a look at our records with respect to what sort of policy development et cetera had been done with respect to an ag review as a concept.

**CHAIR:** Basically we've got March then April, of the response to Mr Taylor and the minister—

**Mr Knudson:** October.

**CHAIR:** and then we've got this meeting with the National Party where the idea of this ag review was floated with them—in the October meeting. So it's a matter of what happened between then.

**Senator GALLAGHER:** I've got a series of questions I'd like to ask, one after the other, but I can do that at the end of your question on that.

**CHAIR:** Okay.

**Senator GALLAGHER:** Just finally, in preparing for today, did the department have any discussions with Minister Ley, with former ministers, about today's meeting?

**Mr Knudson:** I just arrived on a plane last night, so I'll have to check with my colleagues as to whether there was anything.

**Mr Richardson:** My first assistant secretary did provide advice. Once we were invited to this hearing, we let our office, Minister's Ley's office, know that, and we understand that Minister Ley let Minister Taylor's office know that this hearing was happening. Beyond that, I've had no contact.

**Senator GALLAGHER:** There was no written brief or anything?

**Mr Knudson:** It was just a heads-up.

**Senator GALLAGHER:** It was just verbal advice that it was happening? Was there any response from the minister's office?

**Mr Richardson:** Not that I'm aware of.

**Mr Knudson:** We're just going to invite the first assistant secretary to the table. We thought she was getting off too easily!

**Ms Campbell:** The reason I'm not at the table is I've been in the job for two weeks, but in the last two weeks I have talked to an adviser in Minister Ley's office, said this was coming up and encouraged the office to let Minister Taylor's office know that this was happening. It's a tricky space when we work for one minister but not directly on environment issues. We had a very quick conversation that this was happening. There was no written briefing. From my recollection there were no emails, other than I might have flicked the schedule to make sure the office was aware.

**Senator GALLAGHER:** You say there was a quick conversation. Was it advisory in nature?

**Ms Campbell:** I'd call it a heads-up nature.

**CHAIR:** Just to try and fill in that gap leading to the ag review, I have records: we had Richard Taylor speaking to rural papers in July 2017, and then in October 2017 we had a letter from the NFF to Minister Frydenberg raising concerns about the grasslands up-listing and lack of information. The letter mentions that there has been an alleged breach. How does the timing of that letter and the NFF's involvement relate to your engagement with the Monaro farmers?

**Mr Knudson:** I am going to ask Mr Richardson to talk about this. There has been pretty extensive engagement with stakeholder groups, including the NFF, on this listing.

**Mr Richardson:** I certainly can, and we certainly have had quite a lot of interaction with the NFF, most of it I have to say earlier than the period that we're talking about here and now, although it might come back to the consultative committee NFF. Certainly at the time of the reassessment, when it was initiated and leading up to the 2015 up-listing, or listing as 'critically endangered', of the grassland, we spoke to many stakeholders who were involved. We spoke to the National Farmers Federation. We spoke to the New South Wales Farmers federation. We spoke to community groups. We spoke to NGOs. We spoke to ecologists, local land services et cetera.

**CHAIR:** This was prior to the up-listing?

**Mr Richardson:** This was while we were conducting the reassessment, if you like. We also then went out for statutory public comment. Listings go out for public comment of not less than 30 days, and we put out a draft listing assessment. The Threatened Species Scientific Committee releases the draft listing assessment for public comment. A number—I don't know how many—of submissions came back in. One of those was from the National Farmers Federation. I think that's been released recently, or provided recently. The National Farmers Federation raised concerns with the way the definitions worked and the lack of clarity, from their perspective. Then we had several subsequent conversations, and actually responded in writing to their submission as well, trying to clarify what was intended, and we sought the National Farmers Federation's support to assist us in the preparation of an information guide that was for all people potentially affected by the listing but, in particular, the agriculture sector. They then did that, and that information guide was subsequently published, within a couple of months of the listing taking effect. So that was, I guess, an engagement with the National Farmers Federation leading up to that point. Beyond, in that sort of March to October period, we had established an agriculture and environment consultative committee—I believe it's called—which was senior officers—

**CHAIR:** When was that established?

**Mr Knudson:** I don't have that on the top of my head. Unfortunately that was more the assessments area, along with your area, Monica. But I'm happy to come back and say, 'This is when it met and these are the issues that were discussed et cetera.'

**CHAIR:** Thank you.

**Mr Oxley:** I will just add to that, or help contextualise that. It was called the agriculture and environment consultative committee. For many years, as a department, we had a liaison officer out-posted to the National Farmers Federation, and that was a key means of engagement with the NFF around issues of interest to the farm sector. That arrangement lapsed, and we did find ourselves in circumstances where we didn't have a decent vehicle for dialogue with the National Farmers Federation, and with farmers through the NFF. We agreed with the NFF that there would be value in setting up this consultative committee. It met initially on probably a monthly or two-monthly basis, but with a reasonably high degree of frequency. We agreed a set of issues where there would be value in having further dialogue.

I think grasslands were certainly within the frame, and that's indicated by Mr Richardson's email of 24 March. There were a number of us sat at the table. It was jointly chaired by one of our deputy secretaries and a senior representative of the National Farmers Federation. We talked around a range of issues associated with the relationship between the Environment portfolio and the farm sector. Another example would be the operation of the Emissions Reduction Fund and the farmers' interests in opportunities under the ERF. So it was quite a broad-ranging set of issues which we talked through. Generally the way it worked was we had an agreed agenda up-front, we had a good discussion around the issues and we kept a record of the action items, the things that we agreed that we would follow up and work through. One of the things that came out of that, from my recollection, was the body of work done around outreach and actually getting out on the ground and talking to farmers around the operation of the EPBC Act.

**CHAIR:** That was mid-2017?

**Mr Oxley:** That was happening around that time. That was where further dialogue around grasslands would have been channelled. The focus was on better communication with the farm sector, from my recollection.

**CHAIR:** Given that level of communication—it's a regular dialogue with the NFF—were you surprised then that there was a letter to Minister Frydenberg on 3 October raising concerns about the grasslands up-listing and the lack of information provided to farmers?

**Mr Oxley:** Not surprised at the time. I was sort of stepping out of this role. But, certainly, the sense we had was that they felt that they had gone through a process of consultation and engagement and that the outcome that had resulted was one that hadn't been well received by farmers and that really left them in a situation where they felt that the listing of ecological communities in the future was a very difficult thing for them to support. So, in that context, it is certainly not surprising to me to see that translated into the letter that came subsequently.

**CHAIR:** They had been involved with the guide that went to farmers, as you just said. Was it a situation where the NFF had worked with you and felt they'd done a reasonably good job and then found that, actually, on the ground, it wasn't as well received as they had been hoping it was going to be?

**Mr Oxley:** I think that's probably a reasonable inference to draw from what I've said. Mr Richardson may be able to add to it, but that's probably a question best asked of the National Farmers' Federation.

**CHAIR:** We did invite them to appear today. I hope that they may yet appear, but they weren't able to appear today. The time line that I've got here is that, essentially, you then began your more on-the-ground outreach,

including the field day. The Monaro farm day was a site visit initiated by the NFF on 9 March. Was that the only site visit? Were there other site visits?

**Ms Collins:** In terms of engagement, we've had staff from compliance, assessments and biodiversity conservation go to the local land service regions—to the north-west, the Hunter, the north-east, the central west and the south-east, which is the area that encapsulates the Monaro. Through those fields trips, we've engaged with nine out of the 11 local land services regions, because we found neighbouring regions came along as well. The intent of those field days was to be able to provide training to the local land services regions but also to get a sense from them as to how the EPBC Act is being applied in the regions. We prepared regionally specific information about matters of national environmental significance and how they might be assessed in those areas. So we've had coverage right across New South Wales in the areas that are most likely to intersect with the EPBC Act.

**CHAIR:** Can you tell me when they occurred?

**Ms Collins:** The central-west one was the most recent one, which would have occurred in the last couple of months. Before then, I think there was one field trip that went to the north-west, the Hunter and the north-east over a period of a couple of weeks. That would have been—I'll have to get back to you on dates—probably 2017 or 2018. I'll just need to get back to you on dates for those.

**CHAIR:** Was the Monaro one the first?

**Ms Collins:** I don't think so. My recollection is that Monaro was in the mix, around a similar time, but I'll come back to you on the time frames.

**CHAIR:** The Monaro one had nine Department of the Environment staff, including Mr Knudson, the deputy secretary; the first assistant secretary; you, Mr Richardson; and Ms Collins. Is that the level of staffing that has gone to all these other ones as well?

**Ms Collins:** Probably not, but the intent for us as a department is to get a better understanding of how the act applies practically in the regions, as well as to be able to explain the outcomes that we're after. So it was really important that we had representation from our assessments branch, our biodiversity conservation branch and our compliance branch. So it did involve a cross-section of areas within the department.

**Senator GALLAGHER:** Where else have all three of you been?

**Ms Collins:** What we're recognising is that, where the issues are being raised, the solution doesn't lie in one area in particular.

**Senator GALLAGHER:** No, but in terms of a visit—

**Mr Knudson:** Nowhere else.

**Senator GALLAGHER:** So you only went to the Monaro.

**CHAIR:** Only the Monaro.

**Mr Knudson:** The only reason I went there was that it was drivable. I managed to get lost anyway, but I showed up a bit later.

**CHAIR:** It was close to Canberra.

**Mr Knudson:** Yes; exactly right. All these areas that are engaging with the sector reported regularly to me, so I thought it was a really neat opportunity to see what was happening on the ground. It was the first time I had ever seen a woolshed—things like that.

**Mr Richardson:** Sad but true.

**Mr Knudson:** It's what happens when a Canadian ends up working for the Australian government.

**Mr Richardson:** Similarly, that's the only one I went on. I had staff go on some of those other trips, but it was opportunistic. That's the way I look at it.

**Ms Collins:** Yes. I suppose the key intent was the understanding of a technical nature—so what the species or communities and those sorts of things look like and how things apply. So it made sense that the practitioners were the main people who were going, but, as we said, the proximity to Canberra made it quite easy.

**Senator GALLAGHER:** A very senior delegation.

**CHAIR:** Can you tell us what sites on the Monaro one were visited?

**Ms Collins:** There was a large property that we visited, and we went around to particular areas on the property to have a look at different grasslands or different conditions of grasslands. You will see tabled in parliament the pasture types of the Monaro region. We were just trying to get an understanding of different types of pastures that

might technically fit in the definition of the endangered ecological community, but for us it's not the full community that we're interested in; we're only interested in where activities might have a significant impact. So that was what we were trying to get out of that particular field day.

**CHAIR:** Did you visit the site that was under compliance action?

**Ms Collins:** No.

**CHAIR:** Was it the Monaro Farming Systems property?

**Ms Collins:** I believe it was.

**CHAIR:** Were any of the local participants or the NFF representatives that were there involved with your investigation into the illegal clearing—the unlawful clearing?

**Ms Collins:** Not to my knowledge, no.

**CHAIR:** But there were Monaro Farming Systems representatives there?

**Ms Collins:** That's right.

**CHAIR:** Was Mr Richard Taylor in attendance?

**Ms Collins:** No, he wasn't.

**CHAIR:** And any of the other directors of Jam Land?

**Ms Collins:** No, they weren't.

**Senator GALLAGHER:** I've got a few questions, and I'm conscious of people's time. Are we trying to get out at 2.30 for everybody's sake?

**Mr Knudson:** Thank you, Senator.

**CHAIR:** Yes.

**Senator GALLAGHER:** Sorry to go back a bit again, but I'll work through it quickly. We know the department met with Minister Taylor in March 2017. Has the department discussed the listing with Minister Taylor on any other occasion?

**Mr Richardson:** No.

**Senator GALLAGHER:** So just that meeting?

**Mr Richardson:** Sorry, I should say: not to my knowledge.

**Senator GALLAGHER:** Okay. Has the department had any other contact with Minister Taylor in relation to the listing? Any correspondence?

**Mr Richardson:** Not to my knowledge.

**Senator GALLAGHER:** Has the department had contact with representatives of Jam Land other than Minister Angus Taylor?

**Ms Collins:** We've certainly had engagement with representatives of Jam Land through the compliance investigation.

**Senator GALLAGHER:** So only through that?

**Ms Collins:** That's right, yes.

**Senator GALLAGHER:** Throughout the investigation?

**Ms Collins:** That's right, yes.

**Senator GALLAGHER:** As a matter of that conduct?

**Ms Collins:** Yes.

**Senator GALLAGHER:** Okay. We may have just touched on this before, but have officers of the department attended the Jam Land property in the Monaro, and, if so, how many times?

**Ms Collins:** It's been at least two and possibly three.

**Senator GALLAGHER:** That is in relation to?

**Ms Collins:** The compliance investigation.

**Senator GALLAGHER:** Has Jam Land sought to have the grasslands listing varied to accommodate its commercial interests?

**Ms Collins:** Not with me.

**Mr Richardson:** No, there's been no proposal or suggestion that we change the listing.

**Senator GALLAGHER:** Have Ministers Price or Ley or their offices sought advice from the department on the grasslands listing or the compliance action relating to the land part owned by Minister Taylor?

**Mr Richardson:** Sorry, can you repeat the question? Who are you asking about?

**Senator GALLAGHER:** Has the previous minister, Minister Price, or Minister Ley or their offices sought advice from the department on the grasslands listing or the compliance action relating to Jam Land?

**Mr Richardson:** I don't recall. I'd probably have to take that on notice to be certain, but I don't believe so.

**Senator GALLAGHER:** Thank you.

**Mr Richardson:** On the listing, I should say, not the compliance.

**Ms Collins:** From a compliance perspective, no, they haven't sought advice. But, as I said previously, we've provided high-level information so that they're aware of the compliance activity.

**Senator GALLAGHER:** What's the form of that high-level advice? Is it a brief?

**Ms Collins:** There are weekly briefs that go to the minister's office about those sorts of things.

**Senator GALLAGHER:** Question time briefs?

**Ms Collins:** I would have to check. I don't think so, but I would have to check.

**Senator GALLAGHER:** Nodding head?

**Mr Knudson:** Senator, the other thing I would say is that we would have done a briefing for Minister Ley as the incoming minister in terms of the incoming government brief.

**Senator GALLAGHER:** So the incoming government brief, the weekly brief and a question time brief. In relation to the previous evidence given by you, Ms Campbell, you said that you advised Minister Ley that this hearing was going to be held and asked that they advise Minister Taylor. Why would the department ask that that occur?

**Ms Campbell:** When we're giving evidence, we sometimes ensure that the minister protects her own relationships. I think, in this instance, the department is sensitive about its relationship with Minister Taylor, who, as you know, is one of our portfolio ministers.

**Senator GALLAGHER:** That's right.

**Ms Campbell:** Again, it was in the heads-up sort of space.

**Senator GALLAGHER:** But not formally within any ministerial responsibility?

**Ms Campbell:** More in a 'minister engaged with her colleagues' responsibility.

**Senator GALLAGHER:** Has Minister Taylor or his office received any briefing from the department related to the operation of the EPBC Act since his appointment as a portfolio minister?

**Mr Knudson:** I don't believe so. We absolutely have briefed Minister Ley on the act, but I don't recall Minister Taylor.

**Ms Campbell:** The only thing I would add is: except for at a high level in the incoming government brief which went to both ministers.

**Senator GALLAGHER:** Has Minister Taylor acted for Minister Ley since 29 May 2019?

**Mr Knudson:** I'm not sure, but we could easily come back to you on that.

**Mr Oxley:** We will check because Minister Ley had a week's leave just recently, and I can't now recall who was the acting minister.

**Ms Tregurtha:** I believe Minister Cormann acted for Minister Ley during that period.

**Senator GALLAGHER:** Can you check that?

**Mr Knudson:** We're happy to provide that.

**Senator GALLAGHER:** I'm aware there are times, when there is more than one minister in a portfolio, you can copy ministers in or provide them with copies of briefs that are going to either minister. Are you aware of any times this has happened since 29 May, where briefs to Minister Ley would have been routinely copied to Minister Taylor?

**Ms Campbell:** There are definitely cases that have been copied to Minister Taylor, but my recollection is that it was not in the environment space; it was more in the areas where they have a common interest—the climate adaptation space, for example.

**Senator GALLAGHER:** Could you check that for us on notice, please.



**Ms Campbell:** Can I just confirm: specifically about the EPBC and Monaro grasslands?

**Senator GALLAGHER:** No, just in general when they were routinely copied in and the number of occasions this has occurred—briefs and departmental advice where both ministers have been asked to note or provide comment on a brief as well.

**Ms Campbell:** We can look that up.

**Senator FAWCETT:** If there is nothing on EPBC, it's probably worth noting that there were no briefs copied in on that.

**CHAIR:** So after the Monaro field days, after meeting with the Nationals party room, we end up with an ag review, with Wendy Craik being appointed to do that agricultural review at a cost of \$547,000—I think that was revealed in some documentation. As part of that review, as we've just discussed with Wendy Craik, there is a proposal to do regional planning in two areas: the Monaro tablelands grasslands and Walgett. Was there any communication from the department with regard to the work that you'd been doing on the Monaro with the Craik review that led to the Monaro being selected as the place for the pilot plan?

**Mr Knudson:** I don't recall the specifics, but we did have discussions with Dr Craik and her team when they were kicking off their review to provide context on basic stats on the interaction, how many farmers have had to refer under the act—all that sort of basic detail. We also would have walked through the listing process in general and our compliance engagement work. But, if there's a specific element you're looking for, Senator, I'm happy to try to answer that.

**CHAIR:** Through this review and at the end of it, we've got the Monaro grasslands and the Monaro tablelands being selected as a place to undertake a regional plan. Does the department have a view on the concept of doing these regional plans?

**Mr Knudson:** I do, personally. I fundamentally support them. Anything that tries to take a regional perspective is better than doing it individually, project by project, because you can deal with cumulative impacts.

**CHAIR:** Have you got any ballpark assessment of what the cost of doing those regional plans would be?

**Mr Knudson:** I do not, personally.

**Ms Collins:** I think it would depend on what you are trying to achieve in the regional approach, but I would tend to say that even just the outline of the pasture types of the Monaro region, and the guidance that goes with it, helps in the context of the Monaro region, with the grassland activity there. Whilst it probably doesn't fit the definition of a Monaro strategic plan, it's the type of thing that would feed really neatly into that sort of thing.

**CHAIR:** That's the guidance that's already been prepared by the department in association with the local land services—the guidelines for farmers?

**Ms Collins:** That's right. When the Craik review was being undertaken, we were already working on that sort of work.

**Mr Knudson:** The piece that Monica's team has developed basically says, 'Here's what matters most and what it looks like,' but what you would ideally want is to be able to take the map that went with the listing and say, 'This is where it exists, and it doesn't exist here,' so you'd have a lot of clarity for landowners about what matters and what doesn't from the act's perspective. That's the piece that I think Dr Craik was trying to get at in terms of a regional plan.

**Mr Richardson:** I was just going to add that there's quite a positively framed case study within the report itself about the work that's been done by Ms Collins and other areas of the department on the Monaro, and I think that's probably what led to the recommendations that you're referring to. We clearly were having those discussions with the review team during the review that was being conducted.

**CHAIR:** So you were having discussions within your team and with the review team?

**Mr Richardson:** Correct, and that's what's reflected in the Craik review report. They actually have the case study that refers to the work that's been done—the outreach and the potential benefits of that.

**Senator GALLAGHER:** When did you three visit Monaro Farming systems, or do the visit to Monaro?

**Ms Collins:** I think from memory it was March 2018, but I will need to confirm that for you.

**CHAIR:** That date, 9 March, is what I have documented, and the review was officially announced on 29 March. Was the concept of the review discussed as a possibility with the people who were taking part in that field day?

**Ms Collins:** Not with me.

**Mr Richardson:** I don't recall that.

**Ms Collins:** It was very much about the grasslands, going and having a look at grasslands with different conditions, the variety of different species of Australian native grasslands, what the improved pasture types were and those sorts of things, as well as the agricultural practices and the response of the grasslands themselves to the agriculture practices.

**Mr Knudson:** Generally you would want to leave something like that to a minister or the government more broadly to announce, not a set of officials.

**CHAIR:** Yes; although it was raised at a National Party meeting—

**Mr Knudson:** Who are members of the government.

**CHAIR:** some months before that.

**Senator GALLAGHER:** Where is the investigation up to? Are you going to finish it soon? It's three years.

**Ms Collins:** Yes, we would like to finish it soon. To the extent that it's completely in our control, we would like to finish it soon, yes.

**Senator GALLAGHER:** But it's not in your control?

**Mr Knudson:** As Ms Collins was talking about, there's often a fair amount of additional information that needs to be brought to bear to inform a decision.

**Senator GALLAGHER:** But three years, surely!

**Mr Knudson:** Understood. Obviously we're going to pursue and conclude this as quickly as possible.

**Senator GALLAGHER:** Do you have outstanding pieces of work due?

**Mr Knudson:** Yes.

**Senator GALLAGHER:** External consultants?

**Mr Knudson:** Yes.

**Senator GALLAGHER:** Outside work.

**Mr Knudson:** Again, we don't want to talk about the specifics, as is always the case when we're talking about a compliance case, but, yes, there are external pieces that need to be done.

**Senator GALLAGHER:** That does seem an extraordinarily long time for all parties involved.

**Mr Knudson:** I think that's a fair observation.

**CHAIR:** Okay, I think we're done. Thank you. You have taken some questions on notice. Could you get those answers to the committee by 6 September. Thank you very much, all of you, for your two hours with us this afternoon. Thank you for your evidence. I declare this hearing closed.

**Committee adjourned at 14:35**

These questions are in relation to the emails ( attached below) released under Freedom of Information

- 15 March from Geoff Richardson to Stephen Oxley 6.55 am (FOI 140419 Document 2 below)
- 24 March from Geoff Richardson to [redacted], 4.50pm (part of FOI 190419 Document 4)
- 22 April 5.46 pm from Stephen Oxley to [redacted] (FOI 190419 Document 8)

In these emails there are 4 instances of sections being redacted and coded S37(1)(a), which according to Section 8.3.1 of the 'Freedom of Information Guidelines: Exemption Sections in the FOI Act' <sup>1</sup> applies in the case where:

This exemption applies to documents where there is a current or pending investigation and release of the document would, or could reasonably be expected to, prejudice the conduct of that investigation in some way or the enforcement or proper administration of the law in a particular instance. Because of the phrase in a particular instance, it is not acceptable for prejudice to occur to other or future investigations: it must relate to the investigation at hand (Re Murtagh and Federal Commissioner of Taxation). If disclosure would affect more than the particular case at hand, consideration should be given to the use of an alternative exemption..

1 Can you confirm that in each instance in these emails where this provision has been used; that it has been used to redact information of direct relevance to the compliance action being taken against Jam Land Pty Ltd.

2 If the answer to question 1 was yes in one or more instances, can you confirm that matters of this nature were actually discussed at the 20 March meeting with Angus Taylor or in subsequent conversations with Josh Frydenberg's staff, given these were follow up emails from those discussions

3 Given the department's concern to ensure that investigations were not prejudiced, what if any actions were taken to ensure that the redacted material was not seen by Angus Taylor or anyone else associated with Jam Land Pty Ltd?"

**From:** Oxley, Stephen  
**Sent:** Thursday, 16 March 2017 7:36 AM  
**To:** Geoff Richardson  
**Cc:** Deb Callister ; Lenore Cuthbert  
**Subject:** RE: Meeting with Angus Taylor (SEC=UNCLASSIFIED)

Thanks

I can come if you want me there

Stephen

Sent with Good ([www.good.com](http://www.good.com))

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**From:** Richardson, Geoff  
**Sent:** Wednesday, 15 March 2017 6:55:03 AM  
**To:** Oxley, Stephen  
**Cc:** Callister, Deb  
**Subject:** FW: Meeting with Angus Taylor (SEC=UNCLASSIFIED)

Bonjour Stephen

As you will see from the email below, I have agreed to meet with Angus Taylor, Member for Hume, to clarify the listing of the South Eastern Highlands Grassland EC, including the consultation that was conducted prior to Minister Hunt's listing decision. s22 will also attend, and we will confine our discussion to the EPBC Act listing process, including the statutory and non-statutory consultation we undertook, the technical description of the listed entity including the thresholds that were introduced at the time of the 2015 listing decision, and the guidance material the department has published to assist landholders post-listing.

Deb has let Dean know about the meeting.

**s37(1)(a)**

I don't yet know if Monica or Matt Cahill will attend the meeting with Mr Taylor. I haven't been able to speak to Monica today.

Let me know if you are interested in attending the meeting on Monday at APH.

Au revoir Geoffrey

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**Geoff Richardson**

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**From:** Richardson, Geoff  
**Sent:** Friday, 24 March 2017 4:50 PM  
**To:** §22  
**Cc:** Stephen Oxley, Dean Knudson, §22  
**Subject:** Update on the Monaro grassland EC [SEC=UNCLASSIFIED]

Hi §22

Following our meeting with Angus Taylor on Monday, we are exploring options to deal with the concerns raised related to the Natural Temperate Grasslands of the South Eastern Highlands Ecological Community.

Since the meeting, we have had some initial discussions with the regional Local Land Services office. There appears to be little confusion about interpreting the refined definition, so we are focussing our thinking on clarifying when a particular action may have a significant impact on the listed community, and thus potentially trigger the EPBC Act. As we mentioned on Monday, the presence of the listed EC, as with the presence of any MNES on a particular 'development site', does not preclude the development progressing; it triggers a need for the proponent to consider any significant impacts of their actions, and consider how to best address any significant impacts.

We will have further discussion with agronomists to better understand any uncertainty with interpreting and applying the minimum condition thresholds that are part of the updated listing (e.g. how areas with non-native species such as clover are assessed). §37(1)(a)

§22 We are also looking further into the NSW native vegetation regulations and changes that are due to come into effect 1 July, to clarify how non-native annual species are treated in assessments and if there is any substantial difference with the national approach to minimum condition thresholds. I would also note that all the details of these changes and their consequences for individual landowners have not yet been made clear.

We plan to explore the issue further with NFF, and in particular through the Agriculture and Environment Consultative Committee. This may result in better education about the grassland and the EPBC Act, including a significant impact guidance document for this particular grassland. This would be a similar approach as is being pursued in western Victoria to address interactions between farming and black cockatoos.

We aim to provide further advice, in conjunction with ESD, on how best to clarify the significant impact test for landowners in the Monaro as soon as possible. Significant impact guidelines are not quick or easy to develop for species or ECs, and require considered input from ESD and legal colleagues.

I will keep you informed of progress.

Regards Geoff

**Geoff Richardson**  
Assistant Secretary | Protected Species and Communities Branch  
Department of the Environment and Energy  
§22

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.

Geoff Richardson

FOI 190419  
Document 8

**From:** Oxley, Stephen  
**Sent:** Saturday, 22 April 2017, 5:46 PM  
**To:** s22  
**Cc:** Dean Knudson; de Brouwer, Gordon; s22; Geoff Richardson  
**Subject:** Update on South Eastern Highlands Grassland Ecological Community [DLM=For-Official-Use-Only]

Giddy s22

I understand that you had several specific questions about the South Eastern Highlands Grassland ecological community that is listed as critically endangered under the EPBC Act. Answers to each of these are summarised below, together with some further background.

- Could the Minister vary the listing without Threatened Species Scientific Committee (TSSC) advice?

No. Under the EPBC Act, a Minister's decision regarding the listing status of a species or ecological community, including a variation of listing status, must only consider eligibility for listing and the effect that may have on the ecological community's survival (Section 187). In making that decision, the Minister must have regard to advice from the TSSC and from public comment (in relation to listing eligibility and effect on survival of the ecological community) (Section 194Q).

Ecological communities must be assessed against six listing criteria set out in the EPBC Regulations. The TSSC provides listing recommendations against each criteria after a comprehensive review that includes a thorough examination of available scientific literature, data, management plans and expert opinion. There must also be a minimum 30 day public consultation period.

Since the start of the EPBC Act, the Department is unaware of any instance where a Minister's listing decision for a threatened ecological community (or species) has been different to what was recommended by the TSSC.

As mentioned in previous advice, the Department would not expect the TSSC to come to a different conclusion to what it did recently when the ecological community was "uplisted" by Minister Hunt from endangered (its listing status under the EPBC Act since 2000) to critically endangered in 2016. The TSSC would likely also be concerned about being asked to prioritise a review of the ecological community given it only recently completed a review between 2013-2016. The Department is not aware of any new or different data available that would substantiate claims that it is no longer critically endangered.

- Could the Minister vary the condition thresholds without Threatened Species Scientific Committee (TSSC) advice?

No. The condition thresholds are published as part of the approved conservation advice. If the Minister proposes to change an approved conservation advice, the Minister must consult the TSSC about the change. The Department believes the Committee would be reluctant to recommend changes to the condition thresholds as they were only recently developed in close consultation with scientists and other experts, including from the NSW Office of Environment Heritage.

The aim of condition thresholds is to clearly (and legally) exclude areas that are no longer naturally functioning, or are very degraded, from national protection. They help define the ecological community that is protected nationally. They have been used in almost all ecological community listings over the past

decade and were introduced because of earlier concerns from the farming sector that all areas of native pasture may trigger the EPBC Act referral requirements.

As mentioned previously, including to Angus Taylor MP, they are not the same as significant impact thresholds. Therefore, having the ecological community on a property that meets condition thresholds does not automatically trigger the EPBC Act assessment process (or compliance concerns). An action must be planned or undertaken that is likely to have a significant impact on the defined ecological community for those EPBC Act provisions to be triggered.

s37(1)(a)

The reasons for the low regulatory impact on farmers is included in the email below of 13 April 2017.

There have been a number of EPBC Act approvals for infrastructure projects impacting on the grasslands over the past 17 years, particularly for urban infrastructure in Canberra and windfarms in the surrounding region. As a general rule, these sectors welcome national condition thresholds as they provide more regulatory certainty. Removal of the thresholds, for example, would revert to the original listing where impacts on lower quality areas may also need to be considered for referral.

- If the Minister went against TSSC advice, would the reasons for that have to be published?

Any listing decision must be published, but the reasons must only be provided to the nominator (in this case the nominator could be the TSSC) (Section 194Q). Although there is no legal requirement to publish the reasons, since the start of the EPBC Act the TSSC has chosen to publish all of its analysis against listing criteria and the listing recommendations on the Department's website. These are currently contained within approved conservation advices. The reasons for any change to the 2016 listing decision, and currently published conservation advice would be heavily scrutinised and subject to normal FOI requirements.

- Would it be open to legal challenge?

Yes, any decisions relating to listing (whether to list, delist or transfer) can be subject to legal challenge. Any advice from the TSSC that has undergone a rigorous scientific assessment and been subject to public consultation would form crucial evidence for any challenge. There have not been any legal challenges to TSSC listing advice or approved conservation advices to date. Written TSSC advice on condition thresholds has been used successfully to support compliance case outcomes, including in court.

Also note that listing decision instruments are disallowable by the Parliament.

- Could the Commonwealth align the grassland listing with changes to NSW vegetation laws?

The approved conservation advice, including condition thresholds, was developed in close consultation with experts from NSW agencies to ensure alignment where possible. As noted in previous briefing, this includes the groundcover assessment methodologies that Angus Taylor MP has mistakenly been advised are not aligned.

s37(1)(a)

Also in previous briefing we noted that discussion with NSW agencies indicates that they have not yet decided on final process and methodologies for the change in regulations on 1 July 2017. It is important to note that EPBC Act requirements are not intended to fully align with NSW native vegetation regulations. This is because State vegetation laws cover all native vegetation, while national ecological community

## Josh Manuatu

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**From:** Josh Manuatu  
**Sent:** Tuesday, 27 August 2019 5:03 PM  
**To:** Angus Taylor  
**Cc:** Tim Roy  
**Subject:** Senate Committee Tears [SEC=UNOFFICIAL]

Minister – for your background below are the Hansard excerpts for the key takeouts from Friday’s hearing. I will work these into QT material for when the Parliament returns.

Josh

### ON DISCLOSURES:

Senator GALLAGHER: Before we get into this line of questioning, can someone at the table answer for me how or when the department became aware that Minister Taylor had an interest in Jam Land, and the compliance action being undertaken—the correlating activity happening with land owned by Jam Land? I think that would assist.

Ms Collins: **I haven't got specific timing in relation to that question, but we were certainly aware at the time the request came in,** that—

Senator GALLAGHER: For the meeting in March 2017—at that point you were aware?

Ms Collins: **We were aware that there was a relationship between the landowner and Minister Taylor.**

\*\*\*

SENATOR RICE: Could I just clarify, again, that you were aware, at the time of that meeting, that Angus Taylor had a business interest in the land that there was compliance action being undertaken on?

Ms Collins: We were aware that Angus Taylor was the brother of one of the directors of the land we were investigating. When we're conducting an investigation, we need to work out who it is that needs to be answerable to whether or not the act was complied with. We don't then go into all of the business associations that extend beyond that. Once we've got who the landowner is, we know who we're working with.

### ON DECLARATIONS:

Senator GALLAGHER: And a member of your staff. Did Minister Taylor declare, ahead of that meeting, his business interests in Jam Land?

Mr Richardson: No. There was no interest disclosed at the start of that meeting. **But the meeting was about the listing of the grassland.** That's why I took one of my staff members, who was intimately familiar and had conducted the reassessment, to answer those sorts of questions about how the listing worked in practice.

SENATOR RICE: Minister Taylor did not declare his own personal interest?

Mr Richardson: No.

Mr Knudson: We'd point to Minister Taylor's statement in the House with respect to how he has managed any declarations of interest et cetera, which I think has been canvassed pretty extensively.

Senator GALLAGHER: We're aware of that.

Senator FAWCETT: **Mr Knudson, were you aware at the time or subsequently that Minister Taylor also made clear to the minister that the compliance issue was on foot and should not be discussed during the meeting?**

Mr Knudson: **No, but that seems completely appropriate.**

### ON COMPLIANCE:

SENATOR RICE: Was the compliance issue discussed at the meeting?

Mr Richardson: No, it was not raised. It was not discussed.

### ON DELISTING:

SENATOR RICE: So I ask again: why include that about delisting, and was that delisting discussed at the meeting?



Mr Richardson: No, there was no discussion of delisting at the meeting. The discussion was about the consultation leading up to it in the form of the new listing—the revised listing in 2015—and how that could be managed by farmers who had this community on their land.

**ON THE COMPLIANCE OFFICER:**

Senator GALLAGHER: So you had a compliance officer there to ensure that we didn't move into compliance?

Ms Collins: For a couple of reasons. We had a compliance officer there as an observer to ensure that the integrity of the investigation wasn't compromised; and if there were any general questions about how we go about compliance activities, the compliance officer could have responded to those. As it turned out, there were no questions about compliance activities—compliance wasn't discussed—and the compliance officer didn't talk at the meeting at all; that's my understanding.

**ON THE MO ADVISER REQUEST:**

Mr Oxley: I don't know in absolute terms whether or not that is the case. **But I've described my own interaction with that adviser over a long period of time, and it was one of thorough, deep and regular inquiry about fine detail around the application of the act and what options were in order to progress or address issues at play, particularly in the threatened species listings space.**

**ON OTHER DISCUSSIONS ON THE LISTING:**

Senator GALLAGHER: Sorry to go back a bit again, but I'll work through it quickly. We know the department met with Minister Taylor in March 2017. Has the department discussed the listing with Minister Taylor on any other occasion?

Mr Richardson: No.

\*\*\*

Senator GALLAGHER: Okay. Has the department had any other contact with Minister Taylor in relation to the listing? Any correspondence?

Mr Richardson: Not to my knowledge.

**ON DEPARTMENTAL CONTACT WITH JAM LAND:**

Senator GALLAGHER: Has the department had contact with representatives of Jam Land other than Minister Angus Taylor?

Ms Collins: We've certainly had engagement with representatives of Jam Land through the compliance investigation.

**ON REQUESTS TO VARY LISTING:**

Senator GALLAGHER: Has Jam Land sought to have the grasslands listing varied to accommodate its commercial interests?

Ms Collins: **Not with me.**

Mr Richardson: **No, there's been no proposal or suggestion that we change the listing.**

\*\*\*

Senator GALLAGHER: Has the previous minister, Minister Price, or Minister Ley or their offices sought advice from the department on the grasslands listing or the compliance action relating to Jam Land?

Mr Richardson: I don't recall. I'd probably have to take that on notice to be certain, but **I don't believe so.**

**ON DEPARTMENTAL BRIEFINGS TO TAYLOR:**

Senator GALLAGHER: Has Minister Taylor or his office received any briefing from the department related to the operation of the EPBC Act since his appointment as a portfolio minister?

Mr Knudson: I don't believe so. We absolutely have briefed Minister Ley on the act, but I don't recall Minister Taylor.

Ms Campbell: The only thing I would add is: except for at a high level in the incoming government brief which went to both ministers.

**Josh Manuatu**

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**From:** Josh Manuatu  
**Sent:** Tuesday, 27 August 2019 2:02 PM  
**To:** [REDACTED]  
**Subject:** Re: Inquiry into Australia's faunal extinction crisis - Questions on notice and proof Hansard - 23 August 2019 [SEC=OFFICIAL]

Many thanks [REDACTED]!

On 27 Aug 2019, at 1:58 pm, [REDACTED] <[\[REDACTED\]@environment.gov.au](mailto:[REDACTED]@environment.gov.au)> wrote:

Hi Josh,  
The Hansard has come through just this afternoon.  
Please see attached.  
Please let me know if there is anything else that you need.  
Thanks

[REDACTED]  
Parliamentary Services  
Corporate Strategies Divison  
**Department of the Environment and Energy**  
✉ GPO Box 787, Canberra ACT 2601

[REDACTED] <[\[REDACTED\]@environment.gov.au](mailto:[REDACTED]@environment.gov.au)>

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**From:** [REDACTED]  
**Sent:** Tuesday, 27 August 2019 1:57 PM  
**To:** [REDACTED]  
**Subject:** FW: Inquiry into Australia's faunal extinction crisis - Questions on notice and proof Hansard - 23 August 2019 [SEC=OFFICIAL]

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**From:** Dean Knudson  
**Sent:** Tuesday, 27 August 2019 1:41 PM  
**To:** [REDACTED]  
**Subject:** FW: Inquiry into Australia's faunal extinction crisis - Questions on notice and proof Hansard - 23 August 2019 [SEC=OFFICIAL]

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**From:** Committee, EC (SEN) [<mailto:ec.sen@aph.gov.au>]  
**Sent:** Tuesday, 27 August 2019 1:05 PM  
**To:** Dean Knudson <[Dean.Knudson@environment.gov.au](mailto:Dean.Knudson@environment.gov.au)>  
**Subject:** Inquiry into Australia's faunal extinction crisis - Questions on notice and proof Hansard - 23 August 2019

**SENATE ENVIRONMENT AND COMMUNICATIONS REFERENCES COMMITTEE**

Dear Mr Knudson

**Inquiry into Australia's faunal extinction crisis  
Questions taken on notice, additional questions and proof Hansard**

I enclose a copy of the proof Hansard of evidence you gave to the committee at the public hearing in **Canberra** on Friday, **23 August 2019**. A copy of the proof Hansard is also available on the inquiry webpage.

[Link to proof Hansard](#)

[Answers to questions taken on notice](#)

If you took questions on notice during the hearing or undertook to provide additional material, your response should be provided by **COB Friday, 6 September 2019**. If you are unable to do so by this date, please contact the committee secretariat.

Additional questions on notice

Following the hearing, **the committee has provided further questions on notice for the department**, which are also attached to this email. Please note that **answers should also be provided by COB Friday, 6 September 2019**.

Corrections to proof Hansard

It would be appreciated if you would review the proof Hansard and **mark any corrections in red on a hard copy** and scan and email it to the secretariat at [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au) by **COB Friday, 27 September 2019**. Please do not use track changes. If you do not wish to make any corrections, there is no need to respond to this email.

Corrections should be restricted to typographical errors and errors of transcription. New material cannot be introduced, the sense of the evidence cannot be altered and the evidence cannot be edited to improve expression or grammar. Such corrections will not be accepted.

Please note that once the official Hansard is published on the website, no further alterations will be possible.

Further evidence

If you wish to clarify or correct evidence provided at the hearing, this should be done through a letter to the committee. The committee will also consider a supplementary submission if you wish to provide more extensive comments.

If you require any further information please contact the committee secretariat.

On behalf of the committee, thank you for your contribution to the inquiry.

Yours sincerely

Stephen Palethorpe  
**Secretary**

PO Box 6100, Parliament House, Canberra ACT 2600 | Tel: (02) 6277 3526 | Fax: (02) 6277 5818  
Email: [ec.sen@aph.gov.au](mailto:ec.sen@aph.gov.au) | Internet: [www.aph.gov.au/senate\\_ec](http://www.aph.gov.au/senate_ec)

## Josh Manuatu

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**From:** Liam O'Neil  
**Sent:** Monday, 26 August 2019 12:54 PM  
**To:** Tim Roy; Josh Manuatu  
**Subject:** FW: media enquiry - [REDACTED], The Guardian - Senate Hearing [SEC=OFFICIAL]

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**From:** Media  
**Sent:** Monday, 26 August 2019 12:53 PM  
**To:** [REDACTED]  
**Cc:** Media  
**Subject:** FW: media enquiry [REDACTED], The Guardian - Senate Hearing [SEC=OFFICIAL]

Hi all,

For information, please see below departmental response to [REDACTED] at the Guardian.

Kind regards,

[REDACTED]

### Media Team

Communications and Engagement Branch  
Department of the Environment and Energy  
GPO Box 787, CANBERRA ACT 2601



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**From:** Media  
**Sent:** Monday, 26 August 2019 12:50 PM  
**To:** [REDACTED]@theguardian.com>  
**Cc:** Media <Media@environment.gov.au>  
**Subject:** RE: media enquiry - Friday Senate Hearing [SEC=OFFICIAL]

Hi [REDACTED],

Thank you for your enquiry. Please find a response below, which is attributable to a departmental spokesperson if necessary:

//

- It is standard practice that the department takes notes, in particular of any action items, at meetings with external stakeholders.
- At the meeting Mr Knudson attended, there were no action items and consequently no notes were taken.
- At the meeting Mr Richardson attended there were action emails sent soon after the meeting.

//

Kind regards,

### Media Team

Communications and Engagement Branch



**From:** [REDACTED]@theguardian.com]  
**Sent:** Monday, 26 August 2019 9:56 AM  
**To:** Media <[Media@environment.gov.au](mailto:Media@environment.gov.au)>  
**Subject:** media enquiry - Friday Senate Hearing

Hi,

I have some comments from Labor and the Greens regarding Friday's senate hearing that discussed the grasslands issue.

At the hearing, Geoff Richardson said he didn't take notes at the March 20 2017 meeting and Dean Knudson said he didn't take notes at an October 2017 meeting with the national party and then minister Josh Frydenberg.

Labor and the Greens say this is a breach of the public service code of conduct.

What is the department's response to this?

Did any other public servants at either of those meetings take notes? If yes, are they available? If no, why not?


**This is for a lunch time file - I'm sorry for the short notice but it's a fast turnaround for this one today - and I will need a response no later than 12 noon.**

We will be publishing early afternoon.

Thank you

[REDACTED]  
[REDACTED]  
[REDACTED]  
Environment Reporter  
The Guardian | Australia

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[REDACTED]  
[REDACTED]  
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